United Nations S/PV.5209

Security Council

Sixtieth year

Provisional

5209th meeting

Tuesday, 21 June 2005, 10.20 a.m.

New York

President:	Mr. De La Sablière	(France)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. García Moritán
	Benin	Mr. Zinsou
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	Denmark	Mr. Faaborg-Andersen
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mr. Gerald Scott

Agenda

Protection of civilians in armed conflict

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-39241 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in French*): I should like to inform the Council that I have received letters from the representatives of Canada, Colombia, Côte d'Ivoire, Egypt, Luxembourg, Nigeria, Norway and Peru in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

I invite Mr. Egeland to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

I give him the floor.

Mr. Egeland (*spoke in French*): Five years ago, the Security Council adopted resolution 1296 (2000). Since then, the Council has been increasingly seized by the protection of civilians in armed conflict. Some measures have been taken to respond to the problems identified. Several Member States involved in conflicts have ratified and applied the necessary conventions, established protection training programmes for their armies, and developed policies and national legislative systems. Despite that progress, the challenges associated with protecting civilians remain numerous and complex.

(*spoke in English*)

Not enough progress, in today's fast-changing environment, has been made to keep pace with the challenges that civilians face in conflict situations. The disturbing rise in sectarian violence in Iraq — with almost daily, deadly suicide bombing attacks in May and June — starkly illustrate the extreme vulnerability of civilians targeted in direct terrorist attacks or caught in crossfire. The number of media-reported civilian deaths for the first quarter of this year is double that of last year. As many as 1,000 civilians may have been killed since April.

The brutal and indiscriminate tactics of terror continue to be deliberately employed in the world's most protracted protection crises, where violence has become deeply entrenched. Continuing hostilities in Ituri in the Democratic Republic of the Congo, the unchallenged use of sexual violence, re-recruitment of children by the Mayi-Mayi, and continuing attacks against the United Nations and humanitarian agencies constitute intractable protection crises that have demanded more robust peacekeeping. I am alarmed by deepening xenophobia in the western Côte d'Ivoire, incited by hate propaganda which fuels increasing violence. While the number of large-scale attacks on civilians in the Sudan has decreased, grave protection concerns persist. Continued attacks on civilians, an absence of commitment from the Sudanese Government to protect its civilians, and limited capacity on the ground compound the challenge of protection in Darfur.

Imagine the quality of life for those who are caught in those cycles of violence and living in constant terror. That has an enduring impact on individuals and tears the very fabric of society. Such endemic violence cannot continue. We have a responsibility to find better solutions to those intractable situations.

Maoist insurgency and stringent Government response have led to a rapid deterioration of the situation in Nepal, plunging the country into deep crisis. According to Government sources, 659 civilians have been killed in the past six months and summary executions, extrajudicial killings, illegal detentions and disappearances have significantly increased. Prompt action is essential to prevent that emergent protection crisis from becoming entrenched. I welcome the increased human rights monitoring undertaken by our High Commissioner for Human Rights.

I previously presented to the Security Council a 10-point plan as a means to accelerate action. The plan remains valid today. Let me here highlight some key areas where the need to take action is particularly urgent to ensure better protection for civilians trapped in conflict.

My first concern is the frequency and scale of deliberate displacement both within and across borders. Up to 90 per cent of the entire population in the districts of Gulu, Pader and Kitgum in Northern Uganda now live in camps. In Darfur, attacks against villages continue and displacement is still a tactic of war. Continuous attacks on civilians in Colombia have contributed to the displacement of an estimated 700 people a day in recent months.

Millions of internally displaced persons, subjected to violence and abuse, and with no real place of safety, invariably live in deplorable conditions in camps. The combined effect of insecurity, inadequate resources, weak Government capacity and limited strategic response has created a crisis of displacement in Liberia, where both camp conditions and support for return and reintegration are grossly inadequate. In Nepal, stringent criteria for registration of the internally displaced has resulted in most of the estimated 200,000 who have fled their homes not being formally recognized as displaced and not able to access assistance. Providing effective protection from violence and appropriate material support to the displaced remains an unresolved challenge.

We must do more to prevent and end displacement as quickly as possible. Whereas progress has been made in refugee return, we are not equally expedient in promoting return of the internally displaced. We must provide better physical security. Humanitarian presence is not enough. The creation of a secure environment for displaced populations should be a primary objective of peacekeeping operations. We need strategic deployment around camps to provide area security for the displaced; and we need it in areas of unrest to prevent new displacement and in areas of origin to facilitate voluntary and safe return. Both peacekeeping missions and regional organizations have an important role to play. In Darfur, the African Union provides a prime example of the positive impact even a relatively small security presence can bring. The provision of protection against violence needs to be incorporated into the concept of peacekeeping operations and clear guidance developed. The needs of displaced people must also be met in a more sustainable manner.

Under the leadership of the Secretary-General's reform process, a series of steps will be proposed to provide greater clarity on the roles and responsibilities of humanitarian agencies to ensure more effective and accountable action on behalf of the displaced. There must be better recognition of the status and the needs of those who are displaced, requiring greater awareness of the Guiding Principles on Internal Displacement.

The recurrent brutal use of sexual violence is arguably one of the worst global protection challenges due to its scale, prevalence and profound impact. Often ostracized by their communities, survivors have to battle with the physical injuries, trauma and stigma of such violence for the rest of their lives. Although we repeatedly condemn such violence, it persists virtually unchallenged. Far from making general progress, in too many places we have regressed. We have information about more and more women being attacked, and younger and younger children are becoming victims of these atrocities.

I could provide a devastating catalogue of violations, but let me highlight just two cases where sexual violence is at its worst. In North Kivu, in the Democratic Republic of the Congo, a local non-governmental organization just reported more than 2,000 cases of gender-based violence for the month of April alone. An estimated 50 per cent of those acts were committed against minors. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) estimates that there are at least 25,000 cases of sexual violence a year in North Kivu alone — just one region of the Democratic Republic of the Congo. The cultural breakdown and the disintegration of the line of command in the armed forces has resulted in a culture of violence in which

sexual violence has become endemic. If this is not stopped, such violence will have terrible long-term ramifications for Congolese society, threatening future peace and stability. The United Nations has recognized this as one of our highest priorities. More forceful action should have been taken earlier. The disarmament of militias is necessary but not sufficient action. MONUC will now focus on re-establishing an effective chain of command and control of the regular military forces to make them more accountable for their behaviour.

Women and girls are also at great risk in Darfur, where rape is systematically used as a weapon of warfare, with villages terrorized and victims targeted as they collect firewood. Médecins sans Frontières has reported treating 500 survivors of sexual violence in just four months. We believe that this represents only a fraction of the total number of victims. The impact of those abhorrent acts is compounded by the failure of the Sudanese Government to acknowledge the magnitude of the problem. Not only are the Sudanese authorities failing to provide effective physical protection, they are inhibiting access to treatment. Victims are publicly castigated, and some have been imprisoned. Unmarried pregnant women have been treated as criminals, arrested and subjected to brutal treatment by police, thus becoming victims yet again. Both survivors of sexual violence and non-governmental organization staff providing assistance are being harassed and intimidated by the authorities. This must stop.

We must redouble our efforts to bring such atrocities to a halt. The International Criminal Court (ICC) will have a significant impact once it has demonstrated that such crimes will not go unpunished. However, the endemic nature of the problem will be effectively addressed only through the restoration of effective national judicial systems and a political commitment at the local level to bring perpetrators to account.

Peacekeeping operations also make a difference. Sexual violence is used as a weapon of war and demands an immediate response through the provision of more effective protection from violence in areas where women and children are most at risk.

Child abductions, the recruitment and use of child soldiers, and the denial of access to vital services have a profound impact on children. Although these issues have been raised many times before, children continue to be appallingly exploited and abused in conflict situations. Raids on camps and villages and abductions of children for recruitment purposes have multiplied once again in northern Uganda in recent months. In Liberia, re-recruitment of former child combatants is fuelling ongoing conflict in Côte d'Ivoire, pointing to a basic failure in reintegration efforts. It is critical that we invest more in getting reintegration right. A less visible but equally profound protection concern for all children affected by conflict is lack of access to the most basic services, such as education and health care.

Without adequate protection, children are at risk of recruitment, trafficking and other forms of exploitation and abuse. We must develop more effective approaches to protect children affected by conflict. A first point of strengthened action is to provide more effective community- based reintegration support that facilitates the return of all children to normal civilian life. Special provisions must be made for former child combatants, child mothers, abductees and all other children associated with armed groups to break cycles of violence and stop situations of exploitation and abuse.

The reintegration needs of children must also be more explicitly addressed in the peace process. All parties should be made aware of their responsibilities to protect children, including a commitment to stop their re-recruitment. The needs of children demand that we place the delivery of basic services, especially education, at the heart of reintegration efforts. Education is critical in providing a normalizing environment that offers real alternatives to violence, laying the foundation for a child's future.

Humanitarian access and the interrelated issue of the safety and security of humanitarian personnel continue to be prominent concerns. Blatant attacks on humanitarian staff continue to jeopardize our ability to operate in areas where humanitarian assistance is most needed. Since my December briefing, 13 humanitarian staff have been killed or kidnapped in multiple incidents targeting international agencies in Afghanistan. Similarly, in Darfur at least five humanitarian staff have been killed and scores detained. We cannot tolerate the targeting by armed groups of impartial humanitarian workers. Nor can we accept the disturbing trend of humanitarian staff being kidnapped for ransom and commercial gain, as we have seen in Afghanistan and other countries. Stronger

action must be taken for their safety. The entire delivery of relief services to millions in need is at stake.

A key objective of peacekeeping missions should be the creation of secure environments to facilitate the delivery of humanitarian assistance, safeguard humanitarian staff and protect essential services. Protection concerns should be incorporated into concepts of operations so that the provision of area security can be better linked to humanitarian priorities. I welcome the more robust peacekeeping being developed in the Democratic Republic of the Congo, where MONUC is using the protection of civilians agenda as an overall concept to guide operations. We need to develop appropriate guidance which maximizes the capacity to provide physical protection while upholding humanitarian principles and safeguarding humanitarian space.

As I have underscored before, tackling impunity lies at the heart of these protection concerns. To date, other collective efforts to bring perpetrators of violence against civilians to account have been glaringly inadequate. The International Criminal Court (ICC), however, promises to usher in a new era of greater accountability, and I applaud the Security Council for supporting that important endeavour. Investigations and the process of indictments in Uganda, the Democratic Republic of the Congo and Darfur should signal a climate in which impunity will no longer be tolerated. It is important that the proceedings of the ICC create greater awareness amongst all warring factions of their respective culpability and of the fact that they are not beyond the law. At the same time, we must remain aware of the potential impact of such legal action on humanitarian operations, including the potential for reprisals against humanitarian staff.

For real progress to be made, impunity must also be tackled at the local level. The ICC will never obviate the need for local justice. It is critical that efforts be made to support national capacity to protect through local law enforcement, judicial systems and security sector reform. In the Democratic Republic of the Congo and Liberia, for example, the missions are working to support local justice systems. In this regard, the increasing attention of the Security Council to rule of law issues, particularly through the mandates of peacekeeping operations, is welcome. At the same time, such capacity to support the establishment of the rule of law and local judicial structures needs to be developed in a more systematic and sustainable manner across the United Nations system.

As I have outlined, peacekeeping operations are critical to establishing secure conditions which provide protection from violence. That objective should be explicitly articulated in all peacekeeping mandates. It is essential to define the protection responsibilities of peacekeeping operations and to develop appropriate guidance and doctrine to support that role. It is important to ensure that humanitarian space is appropriately preserved and human rights and humanitarian principles upheld.

Similarly, the African Union in Darfur clearly illustrated the critical role that regional and intergovernmental organizations have to play in terms of strengthening protection response. It is important that they engage more proactively as protection partners, develop common approaches and incorporate internationally agreed standards in their operations. My Office has developed a work plan which will seek to support regional organizations in taking this forward. The work plan will be presented at the forthcoming sixth high-level meeting between the Secretary-General and heads of regional and other intergovernmental organizations, at which the protection of civilians in armed conflict will be a key agenda item. It is critical that the international community support regional organizations in this regard.

There are areas where action can be strengthened immediately for civilians in the crossfire. If our humanitarian appeals received more predictable funding, action would immediately be strengthened for the vulnerable, and peace and security would be advanced in many local communities. We still are badly underfunded in some of the worst protection crises. In Sudan, only 33 per cent of overall funding requirements have been received, with just 5 per cent of specific protection activities funded. Similarly, in the Democratic Republic of the Congo only 35 per cent of requirements have so far been met, with just 1 per cent of the specific protection activities covered. The situation is still worse in Côte d'Ivoire, where civilians are abused, killed and raped every day, and where we still have only 30 per cent of overall funds and where we have received no funding for the protection projects in the appeal. How can we possibly expect to enhance protection and address the root causes of conflict if we do not have the means to do so? Earlier this month I

sent a list of the most underfunded emergencies and protection crises in Africa to the Group of Eight countries in preparation for their summit and asked for their leadership and support. I will do the same with the European Union. I hope for a positive response. Some of the countries where protection is most needed are countries where protection cannot effectively be delivered, due to the lack of resources and support.

Humanitarian action alone cannot resolve protection challenges. What is needed is a holistic response that brings the political, security and humanitarian agendas together. We must ensure that one aspect of support is not implemented at the expense of another. If regional organizations are to take on more prominent roles in providing regional security, they must be appropriately resourced. Similarly, if States are to properly fulfil their responsibilities they must be appropriately supported by the international community.

Finally, we need to develop more systematic reporting to the Security Council to facilitate its deliberations and ensure that protection concerns are more fully reflected in its proceedings. Under the guidance of the Executive Committee on Humanitarian Affairs, efforts are focused on establishing criteria and indicators, not to create extensive lists of violations but to generate current overviews and trend analysis to better inform the Council and strengthen decision-making and response at the field level. The reporting mechanism will focus on the following areas of concern: general protection violations, including killing, mutilations and abductions; humanitarian access; protection of women and children, including incidents of sexual violence and recruitment; protection of displaced populations; safety and security of humanitarian personnel; compliance with international norms and humanitarian principles; disarmament, demobilization and reintegration programming and mine action; and underfunded and neglected emergencies. Work to advance this initiative will now focus on developing appropriate methodologies for gathering this information. I will provide an update on this initiative in my next briefing.

I have outlined key protection challenges and highlighted where greater practical action must be taken. These actions must be taken now if we are to resolve protracted protection crises and to prevent emerging situations from becoming entrenched. Undoubtedly, progress has been made in some situations, where we have seen changes on the ground. But it is not enough. There are gaps in our response which I believe the Security Council can and must address for a better future. My hope is that by the end of the year, with strengthened commitment from Member States, reinforced by the Millennium Summit Declaration, we will have a stronger basis for common action.

I would like to thank you, Mr. President, and other Council members for your continued interest and concern and for keeping the protection of civilians in armed conflict on the Council's agenda.

The President (*spoke in French*): I thank Mr. Egeland for his briefing, which makes a significant contribution to the work of the Council.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

Mr. Benmehidi (Algeria) (*spoke in French*): I should like at the outset to thank you, Mr. President, for having organized this public debate on the protection of civilians in armed conflict, a subject to which Algeria attaches particular importance. I also thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his briefing, which was a pertinent and well-illustrated account of the suffering of civilians in the highest-profile situations of armed conflict. However, my delegation regrets that the situation of the Palestinian people under Israeli occupation was passed over in silence.

The legal arsenal that constitutes international humanitarian and human rights law, and now the constant and continued interest of the United Nations system in general and of the Security Council in particular in the protection of civilians in armed conflict, are strong indications of an effective, comprehensive and integrated effort to deal with this extremely complex issue.

Since the publication of the Secretary-General's first report to the Security Council on the protection of civilians in armed conflict (S/1999/957), progress has

been made in strengthening the mandates of peacekeeping operations and, in many cases, in carrying out disarmament, demobilization, reintegration and rehabilitation programmes. I should like to note the indications in Mr. Egeland's presentation that those efforts are continuing.

However, we must recognize that much remains to be done. Recent events give rise to anxiety and concern in many respects. Women, children and elderly persons — to mention only those vulnerable groups of society — continue to be subjected to the devastating effects of armed conflict. The displacement of civilians and refugees, serious attacks on human rights, the use of sexual violence as a weapon of war, the recruitment of child soldiers, the proliferation of small arms and light weapons, the difficulty of delivering emergency humanitarian aid and attacks against humanitarian personnel are characteristic of many current conflicts, particularly in Africa.

There is an increasingly urgent need for a comprehensive, coherent and specific approach to the issue of the protection of civilians in armed conflict. In particular, we should like to emphasize the following elements.

With regard to prevention, a broad prevention strategy that would address the root causes of conflict would ensure the sustained protection of civilians. Such a strategy would be based on promoting sustainable development, eliminating poverty and promoting good governance, a culture of peace and tolerance, the rule of law, respect for human rights and national reconciliation.

Concerning universality and non-selectivity, the protection of civilians must be based on the principles of universality and non-selectivity, particularly in conflict situations arising from foreign occupation. We believe that the full implementation of international humanitarian law is not a mere choice to be left up to the occupying Power; it is an obligation that the international community must impose.

As regards the international community's resolve to combat impunity, we agree that there is a need for an effective fight against every form of impunity with respect to violations of international humanitarian and human rights law that victimize civilians in armed conflicts.

Concerning the protection of humanitarian personnel, recent events have demonstrated the vulnerability of humanitarian endeavours. We must do more to ensure safety, access to vulnerable groups, respect and dignity for humanitarian workers. At the same time, appropriate measures must be taken against humanitarian personnel who violate the principles underlying humanitarian activities.

As far as coordination is concerned, more effective coordination among the Security Council, the General Assembly and the Economic and Social Council remains paramount. We believe that the proposal to establish a Peacebuilding Commission would provide an appropriate framework for such coordination in post-conflict situations if action by those various organs is not locked into an arbitrary sequential order. Likewise, it is important to encourage regional approaches and strengthen coordination with regional and subregional organizations.

In conclusion, my delegation hopes that the Secretary-General's next report will provide added value to our efforts to protect civilians in situations of armed conflict, by drawing important lessons from the progress that is being made.

Mr. Manongi (United Republic of Tanzania): As a country that hosts a large population of refugees, the United Republic of Tanzania is painfully conscious that violations of humanitarian law perpetrated against civilians cause mass population movements internally and across borders. We therefore believe that there is both a moral and a legal responsibility to protect: to protect vulnerable populations from violent conflicts that continue to claim the lives of many innocent civilians while leaving many more permanently displaced.

Regrettably, since the Council began discussing the protection of civilians in armed conflict in 1999, the problem has remained particularly acute in Africa. Examples abound, from the Darfur region in the Sudan to Côte d'Ivoire and the Democratic Republic of the Congo, among others. Nonetheless, we are gratified at the growing consensus, both within the Council and in the United Nations as a whole, in favour of efforts to strengthen the regime for the physical and legal protection of civilians in armed conflict.

That is a welcome development. For today, even in Africa, there is a strong desire to see greater action to prevent the emergence, spread and re-emergence of

conflicts that have brought untold misery to civilians, countries and economies. That is the essence of the process set in motion by the First Summit of the International Conference on the Great Lakes Region, held at Dar es Salaam in November 2004. It is a process to which we see the idea of a Peacebuilding Commission as making a significant contribution.

In addition, the Great Lakes Summit sought to promote ways and mechanisms for protecting civilians as victims of conflict and upholding their human rights as citizens of their respective countries. In these pursuits, Tanzania is guided by two important propositions. The first is the promotion of good governance. President Benjamin William Mkapa put it this way:

> "Countries that govern themselves in a truly democratic fashion do not displace their citizens; they do not generate refugees, and are not likely to find it necessary to go to war with their neighbours. They form reliable, open and firm trading partnerships. They offer better and more opportunities for investment, trade and development. They form a reliable foundation for regional peace, security and the prosperity of their people".

Our second proposition is born of our experience in the Great Lakes, a region that has suffered one of the most serious humanitarian tragedies — the genocide in Rwanda — as well as wars, instability and an influx of refugees that has over-burdened not only the refugee-hosting countries, but even the regulatory regime itself.

Civilians are the first victims of war; they are often displaced internally and across frontiers. The international community has yet to devise an appropriate regulatory and protective mechanism that responds to those realities. Existing humanitarian instruments offer us much to go by, but the regime that offers physical protection to displaced civilians leaves a lot to be desired.

Tanzania has called for a review of the 1951 Refugee Convention. In our view, its focus does not fully take account of present-day realities. It has shortcomings even when applied only to those civilians that have crossed into another country. Constructed in an era when there were a limited number of refugees, the Convention requires receiving States to grant refugee status on the basis of a determination of individual applications. In the face of massive influxes of refugees fleeing from wars, this requirement is manifestly incongruous. The reality is that countries such as Tanzania have been forced to grant refugee status en masse as a consequence of the overburdened administrative capacities of receiving States. In a period of dwindling funds for humanitarian emergencies — as pointed out by Mr. Egeland this morning — the burden and environmental cost of such influxes for host countries have become far greater and more challenging.

Tanzania has striven to offer a solution that seeks to offer protection to civilians by providing shelter in the countries generating refugees through the establishment of safe havens. Safe havens would not only eliminate the existing distinction between internally displaced persons (IDPs) and refugees, but would allow refugees of all categories — whether they are displaced internally or across frontiers — to obtain the same range of human rights protections without discrimination.

We commend this proposition to the Council and other bodies for its relevance and as a practical response to our collective responsibility.

Finally, we must also continue to protect the institution of asylum, just as we must protect and promote the principle of burden-sharing. In our view, the two constitute an important cornerstone of the civilian protection regime. When they are weakened, our collective resolve to act is undermined. Regrettably, burden-sharing has proved to be more of an ideal than a reality. It cannot be overemphasized. We can and must do more. Burden-sharing must be made a reality.

Mr. Sardenberg (Brazil): I wish to thank you, Mr. President, for having convened this open debate on the protection of civilians in armed conflict. I would also like to express my delegation's appreciation to Under-Secretary-General Jan Egeland for his valuable and comprehensive briefing.

What has been distinctive about post-cold-war conflicts of all types is the number and scope of humanitarian disasters that they have produced: displacements, starvation, the deliberate targeting of civilians, ethnic cleansing and genocide. Civilians have been the main victims of violence in situations of civil war or occupation. Attacks directed against civilians are serious violations of international humanitarian law.

The Secretary-General, Kofi Annan, addressed the problem quite bluntly in a statement to the Security Council in 1999, when he said: "We are at the end of a century that has seen the creation and refinement of much of the corpus of international law. Yet civilians have rarely been so vulnerable." (S/PV.4046, p. 3)

Since then, the Security Council has given careful attention to that very significant problem. By discussing this thematic item on many occasions in the past six years, the Council has recognized the appalling reality to which I briefly referred. Our enormous challenge is to bridge the existing gaps between the policies to protect civilians and the operational modalities on the ground.

The United Nations as a whole, and the Council in particular, must continue to be fully engaged in pushing forward that agenda. In December 2003, Mr. Egeland, to his credit, presented a very valuable 10-point platform on the protection of civilians, which continues to provide a basis for our discussions and deliberations. Given the time constraints, I shall limit my statement to only some of its main points, bearing in mind the statement made by Under-Secretary-General Egeland at the beginning of this meeting.

In a number of cases, humanitarian access continues to be either denied or obstructed. Brazil bas repeatedly expressed its concern over that situation. If States are unable to deliver assistance to their population, they must ensure safe and unhindered access by humanitarian international personnel to those in need. It is highly deplorable that humanitarian workers have become victims of deliberate violence. In resolution 1502 (2003), the Council expressed its determination to take appropriate steps in order to ensure the safety and security of United Nations humanitarian and associated personnel.

Vulnerable groups, such as women and children — especially among refugees and internally displaced persons — should be better protected from all threats and acts of violence. All efforts should be made to stop the deplorable and indiscriminate use of rape and sexual violence as the equivalent of a weapon of war wherever it occurs. The perpetrators of such crimes must be brought to justice and prosecuted. Furthermore, HIV/AIDS brings an additional dimension to situations of mass displacement and human rights abuse. As efforts to safeguard the rights and well-being of refugees and internally displaced persons are increased, Brazil welcomes the fact that an increasing number of countries are making use of the Guiding Principles on Internal Displacement.

Parties to armed conflict have a duty to protect civilians from the devastation of war. Violations of international humanitarian law must not go unpunished. I should add that progress has been made in the fight against impunity with the establishment of international tribunals, particularly the International Criminal Court, bearing in mind that States have the main responsibility to exercise their criminal jurisdiction and bring perpetrators to justice.

The Rome Statute provides for the Council to refer to the International Criminal Court cases of genocide, war crimes and crimes against humanity. As stated by the delegation of Brazil when the Council last considered the Darfur case, while we support the referral of the case to the International Criminal Court, Brazil, as one of the founding members of the Court, cannot support provisions that impose limits on the Court's universal jurisdiction. The integrity of the Court must not be compromised. We renew our call to all States, without exception, that have not done so, to accede to or ratify the Rome Statute at the earliest opportunity.

Brazil agrees that there is a need for more reliable and predictable resources to provide assistance to people in need, including civilians caught in the crossfire. The lack of support for "forgotten emergencies" is an issue that needs to be properly addressed. We need to ensure that humanitarian assistance is provided in a non-discriminatory, balanced and more proportionate manner.

Peacekeeping operations must be given adequate resources for the protection of civilians. Specifically programmes such as those of disarmament, demobilization and reintegration remain continuously underfinanced. Funding is also needed to support the strengthening of institutions of the rule of law, national reconciliation processes and similar efforts to reduce the risk of relapse into conflict and to save civilian lives in war-torn countries.

It is a fact that in the post-cold-war era the suffering inflicted upon civilians by the new patters of conflict has become a matter of deep concern. We need now to focus on concrete measures to alleviate the situation of civilians, by identifying, adopting and improving the means utilized to protect them.

Mr. Zinsou (Benin) (*spoke in French*): We are grateful to the French presidency for having organized this discussion on the protection of civilians in armed conflict, a Council agenda item that is both critical and of high priority. This important initiative reminds us of the primary purpose for which United Nations was founded: promotion of the dignity of the human person. The protection of civilians in armed conflict is an essential facet of its mission. Let us acknowledge that the Organization has succeeded in making that mission truly meaningful by striving to promote the development of international instruments on human rights and international humanitarian law to govern the conduct of States and individuals.

But in recent years we have seen the emergence of a pernicious phenomenon: the constant erosion of respect for the norms set out in those instruments. In several parts of the world, the deliberate infliction of totally unwarranted random violence on peaceful civilian populations has become common, most often in the context of internal conflicts of varying intensity, in particular in Africa.

The atrocities that civilians endure are totally unacceptable, whether they be committed by Government troops engaged in punitive operations, by armed rebels or by terrorist movements that defy Governments in their sovereign function of safeguarding public safety. Nor is it uncommon for serious human rights violations affecting civilian populations to stem from unrestrained intercommunal confrontations motivated by ethnic hatred and to trigger flows of refugees and internally displaced persons.

Likewise, the phenomenon of random violence above all affects the most vulnerable sectors of the civilian population: women, children and the elderly, as well as the humanitarian workers providing them with relief. We cannot here turn our backs on the particularly repellant cases of children forcibly recruited into armed bands and turned into war machines to perpetrate grave crimes against their own communities or used as cannon fodder to blaze a trail through minefields for fighting troops. We unreservedly condemn such crimes. Moreover, deliberate violence against United Nations and humanitarian personnel and sexual and other abuse perpetrated against women and girls must also be harshly condemned.

The specific situations just described by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, indicate the scale and gravity of the assaults on human dignity perpetrated against civilian populations. We are grateful to Mr. Egeland for having placed special stress on the genuine risk of widespread humanitarian disaster not only because of the lack of security and the difficulty of ensuring humanitarian access to affected populations, but also, and above all, because of a certain indifference and the lack of appropriate financial resources.

Here, I would note that my country is hosting a large number of Togolese refugees and that we have appealed for international assistance so that we can provide relief for them. To date, there has been no significant response to that appeal.

We reaffirm the primary obligation borne by belligerent parties — whether States or non-State actors — to provide civilians with the protection required under international humanitarian law. Here, we would recall article 48 of Additional Protocol I to the Geneva Conventions, which states that "In order to ensure respect for and protection of the civilian population ..., the Parties to the conflict shall at all times distinguish between the civilian population and combatants".

Immediate, safe and unhindered humanitarian access is of crucial importance to provide victims with the humanitarian assistance that is often so desperately needed to save their lives. In that regard, the international community's fight against impunity should include among crimes against humanity the actions of those who in any way hamper access to humanitarian assistance. The International Criminal Court should prosecute such persons.

Moreover, international bodies such as the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights and Mr. Egeland's Office for the Coordination of Humanitarian Affairs need to cooperate closely, in coordination with relevant regional organizations and other structures, to set up an early warning network for critical situations requiring immediate action, for the purpose of protecting civilians from violence. We support the proposal that the protection of civilians be included in the mandate

of peacekeeping operations, wherever they are deployed.

An integrated and coherent approach in the overall activities of all actors is essential. In my delegation's view, an effective conflict-prevention strategy is another key element in the protection of civilians. This requires a long-term strategy to address the deep-rooted causes of conflict, which in turn means that we must consider measures to promote sustainable development, poverty eradication, national reconciliation, democracy and good governance.

The protection of civilians is a key area in fulfilling the "responsibility to protect". The international community must remain vigilant so that it can do everything in its power to oppose the barbarism that some have no hesitation in making a way of life and an approach to the settlement of conflicts. The protection of civilians affected by armed conflict must be viewed as a major challenge to international peace and security.

Mr. Scott (United States of America): We are obliged to you, Mr. President, for organizing this important debate, as we are to Under-Secretary-General Egeland for his detailed presentation this morning. That presentation, and that of the Secretary-General's report of last year, paint a disturbing picture, but we are encouraged that this meeting helps to reaffirm the international community's commitment to the protection of civilians in armed conflict.

The world continues to be plagued by violent conflicts, with civilians now comprising the major category of casualties of war worldwide. We commend the work of the Office for the Coordination of Humanitarian Affairs, together with its humanitarian partners on the ground, for their valuable work in providing life-saving assistance and advocacy for the protection of civilians, particularly children, women, the elderly and other vulnerable groups.

We would like to stress, however, that the primary responsibility for protecting civilians lies with States and their Governments, and that international efforts can only complement government efforts. Improving the protection of civilians from the devastating effects of armed conflict depends largely not on what we say or do here, but on what Governments do to protect their own people and on how they allow others to assist.

Let me now turn to specific cases of concern. We continue to be gravely concerned about the ongoing crisis in Darfur, and especially about the impact of that conflict on civilians in that region. While in some areas the scale of the violence has decreased, civilians continue to be directly targeted, and more than 2 million remain displaced from their homes. In addition, humanitarian workers and peacekeepers have been increasingly targeted. That continuing insecurity has a direct detrimental impact on the international community's ability to deliver assistance and provide basic services for the victims of the conflict. The situation in Darfur illustrates the urgent role that States must play to safeguard civilians, including those who are internally displaced. It is also important to reiterate that internally displaced civilians living in camps can continue to face serious human rights violations.

Several other countries, including the Democratic Republic of the Congo, are marked by delicate situations of transition, in which many protection challenges have increased. The United Nations peacekeeping and assistance missions, together with support from non-governmental organizations, help to ensure that civilians in those regions are not denied the dividends of peace.

We are encouraged that that Security Council has been addressing the regional dimension of civilian protection more consistently. Furthermore, Security Council resolutions and peacekeeping mandates regularly identify key protection issues, including the deliberate targeting of civilians, forced displacement, the use of sexual and other forms of gender-based violence, the recruitment and use of child soldiers — in violation of international law — the need for unhindered humanitarian access at reasonable times and places and the safety of United Nations and associated humanitarian personnel.

As we once again reaffirm the commitment to reinforce and strengthen the protection of civilians in armed conflict and in the resulting situations of humanitarian crisis, let us ensure that our words and intentions become action.

Sir Emyr Jones Parry (United Kingdom): I would like to express my thanks to you, Mr. President, for convening this meeting, and to Mr. Egeland for his briefing and to associate the United Kingdom with the statement to be delivered later by Luxembourg on behalf of the European Union.

Despite significant gains in the evolution of international humanitarian and human rights law, and despite the best efforts of national Governments, civil society actors and international organizations, we have collectively failed to protect civilians in situations of armed conflict, as we have been starkly reminded by Jan Egeland's briefing today. Of course, the issues are highly complex and challenging. They encompass a wide range of conflict prevention and resolution, as well as peacebuilding, issues. Those include re-establishing justice and the rule of law, social reconciliation, political mediation and economic development.

The summit to be held this September to review the Millennium Development Goals will provide an unprecedented opportunity to make progress on all those fronts and to take a bold step towards the realization of the goals enshrined in the Charter of the United Nations — goals directly aimed at preserving human dignity in a safe and secure world. That is why an ambitious and successful outcome for the September summit is of the utmost importance for my Government. And that is why the subject of today's debate is of direct relevance to the work of the Council.

For the purposes of this debate, I would like to draw attention to four key protection gaps, which we believe demand the Council's immediate attention.

The first gap pertains to physical protection: protection for humanitarian convoys, protection for camps for internally displaced persons and protection for areas of unrest, to prevent displacement. While Security Council peacekeeping mandates have come a long way in incorporating protection concerns, we need to take a step further, especially in terms of civilian policing, and to ensure that those enlisted to provide protection have the capacity and the expertise to do so. But capacity is in itself not enough. Member States must have the political will to agree and implement action, and to do so promptly and robustly, to help save and protect lives.

The second is the gap in responses to sexual and gender-based violence, and the fact that such crimes are often committed with total impunity and are not investigated, or those responsible prosecuted. We believe it particularly important to sustain effective national legal and judicial systems. That is why we support the Secretary-General's call for a dedicated Rule of Law Assistance Unit as part of the proposed Peacebuilding Support Office. In circumstances where national systems fail, the international community has a special role to play, including through the International Criminal Court, in order to hold perpetrators of such crimes to account. But of course, I rally to the simple proposition that primary responsibility for protection, for looking after victims and for delivering justice must rest with national Governments.

The third gap is in conventional arms exports. We already have treaties and mechanisms to curb the proliferation of chemical, biological and nuclear weapons. But we have yet to tackle head-on the proliferation of conventional arms — weapons that account for so much misery and destruction across the world. The British Government is committed to work with others to secure a legally binding treaty on the international trade in conventional arms, building upon the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the United Kingdom's own transfer-controls initiative.

My last point regards the gap in the safety and security of humanitarian personnel. There can be no justification for deliberately targeting humanitarian workers or abducting them against their will. We condemn such acts in the strongest terms. The fact that the physical protection afforded by humanitarian emblems has diminished in recent years serves only to underline the need for States to take concrete and urgent action. That is why the Security Council passed a resolution on the subject last year. We urge all those who have not already done so to sign and ratify the 1994 Convention on the Safety of United Nations and Associated Personnel, and to do so without delay.

Listening to Jan Egeland's sober catalogue of violence against civilians, the international community has to ask itself whether those situations should continue to be tolerated passively. Do we carry on taking comfort in the alibi that we cannot comment on the internal affairs of sovereign States, however extreme the violations, however grave the injustice and, sometimes, when the State is itself the perpetrator?

In my opening remarks, I referred to our collective failure to protect civilians in armed conflict, because the United Kingdom firmly believes that the

international community has a collective responsibility to protect. That is why we think it is vital that we reach agreement on that concept at the millennium review summit. As the Secretary-General said in his report: "Our declared principles and our common interests demand no less" (*A/59/2005, para. 132*).

Mr. Oshima (Japan) (*spoke in French*): I join previous speakers in thanking you, Sir, for convening today's open debate on this important subject. I also thank Under-Secretary-General Jan Egeland for his informative briefing on the efforts being made and the challenges ahead of us. As a former Emergency Relief Coordinator committed to promoting that cause, I commend Under-Secretary-General Egeland, his staff at the Office for the Coordination of Humanitarian Affairs and other United Nations humanitarian organizations, who have spared no effort in addressing this very challenging issue.

I will focus on three areas to which my Government attaches particular importance, especially from the viewpoint of the concept of human security that the Japanese Government is promoting in the international community.

(*spoke in English*)

First, with respect to internal displacement, we were deeply concerned over several recent instances in which armed groups deliberately used displacement as a means of exploiting civilian populations. Such acts are unacceptable and must be condemned. They are a reminder once again that renewed efforts should be made to call the attention of the international community, and of the countries concerned in particular, to upholding the Guiding Principles on Internal Displacement as the basic norm for the protection of civilian populations. Unlike in the case of refugees, no single United Nations entity holds a mandate to protect and assist internally displaced persons. We need norms and practical guidance to harmonize the sovereign rights of States and the international community's assistance and protection activities, which the Guiding Principles on Internal Displacement attempt to do. We believe that the time has come for Member States to recognize the Guiding Principles as an appropriate platform in the protection regime for internally displaced persons. We strongly hope that the declaration of the September summit will reflect that point.

The Guiding Principles clearly state that

> "every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence" (*E/CN.4/1998/53/Add. 2, annex, section II, para. 1*).

When internal displacement occurs in armed conflict and national authorities are unable or unwilling to protect and assist, the persons displaced should be given protection and assistance by the United Nations, other humanitarian organizations and, where appropriate, by peacekeepers. The cooperation of regional organizations should also be sought.

In such international assistance efforts, questions sometimes arise between peacekeepers with a robust mandate to protect civilians, on the one hand, and humanitarian workers who uphold neutrality on the other. Defining their respective roles can be a challenge, often seen in integrated missions. That question should be considered from a practical viewpoint, namely, what will best achieve the purpose of protecting and assisting internally displaced persons on the ground. Form must follow function, as it were, or the desired function should determine the mission structure, as stated in the report on integrated missions issued last month by an independent study team commissioned by the Executive Committee on Humanitarian Affairs.

Secondly, we strongly denounce the widespread sexual exploitation and abuse committed in situations of armed conflict, whether by civilian or military personnel. Special attention should be paid to protecting the vulnerable from exploitation. Victims should receive special care and assistance, and perpetrators must be brought to justice. Particularly regrettable are recent incidents of misbehaviour in which United Nations personnel, who, as guardians and protectors of the vulnerable, must observe the highest standards, have failed to do so.

We welcome the report of the Secretary-General's Special Adviser, Prince Zeid of Jordan, which was presented earlier to the Security Council on that issue and the robust measures agreed upon in the Special Committee on Peacekeeping Operations. They need to be implemented and translated into action expeditiously.

Earlier this month, the Security Council Working Group on Peacekeeping, which I chair, took up that

issue, focusing on the case of the United Nations Mission in the Democratic Republic of the Congo, with the participation of troop-contributing countries, major stakeholders, and the bureau of the Special Committee. We reviewed the state of implementation of recommendations. We took note of active measures that are being taken by the Secretariat and troop contributors, but further progress is clearly needed and we intend to keep the implementation of measures under review.

Thirdly, the problem of small arms and light weapons continues to be alarming. The widespread use of small arms not only results in a large number of casualties, but also gives rise to other problems, such as the use of child soldiers and the disruption of recovery and development in post-conflict situations. In an effort to help tackle that problem, Japan has been actively contributing to awareness-raising and promoting normative discussion by sponsoring resolutions in the General Assembly. My Government has also been active in helping the implementation of projects to collect and destroy surplus small arms and light weapons on the ground. We should redouble our efforts in this area as we approach the United Nations Conference to review the implementation of the Programme of Action next year.

In conclusion, as Under-Secretary-General Egeland pointed out, the Security Council must ensure that the thematic discussions we have had on this topic will make a difference on the ground, where vulnerable populations desperately need protection and assistance. Mr. Egeland mentioned the idea of developing a mechanism of systematic reporting to the Security Council to facilitate its deliberations and to ensure that protection concerns are more fully reflected in the Council's proceedings. We welcome that idea, which no doubt will help the Council to incorporate key elements into its consideration of country-specific resolutions. We fully support the Council's presidential statement to be issued today and look forward to the adoption of a resolution at the earliest possible time that reflects the progress we have made on this subject.

Mr. Denisov (Russian Federation) (*spoke in Russian*): I wish at the outset to join my colleagues in thanking Mr. Jan Egeland for providing us with up-to-date information on the situation in respect of the protection of civilians in armed conflict.

Clearly, solving that problem requires systematic and coordinated action at the international, regional and national levels. A swift United Nations response to incidents of violence against civilians in armed conflict can play an important role in addressing crisis situations. The current tasks in that area should be considered in the context of resolving a number of conflicts, many of which have been mentioned today, including those in the Sudan, Côte d'Ivoire, Burundi and Haiti. Unfortunately, that list is far from exhaustive.

One very important factor in preventing violence against civilians is the elimination of impunity and bringing to justice all persons guilty of crimes against civilians. It is important to harmonize as fully as possible the relevant international and national legal instruments.

The Security Council must continue to make use of the regional and country approach in dealing with the problem of the protection of civilians. In that connection, it is important to take account of the economic, social, historical, religious, cultural and other characteristics of the countries or regions involved, as well as of the particular aspects of each individual conflict, the root causes thereof and the best way of arriving at a settlement. Indeed, regional and subregional organizations can play a very important role in that respect. As has been noted today, the African Union monitoring mission in Darfur is doing a great deal to stabilize the situation in the region, and it is quite clear that it must be strengthened, in accordance with proposed plans.

In recent years, the problem of the protection of civilians in armed conflict has been viewed increasingly from the perspective of human rights and of monitoring compliance with the provisions of international humanitarian law. Humanitarian activities are one of the key components in a comprehensive strategy aimed at preventing crisis and at bringing about a post-conflict settlement. Such activities must, of course, be based on the provisions of the Charter of the United Nations and on fundamental humanitarian principles. Their success will depend largely on the extent to which they are accompanied by efforts on the part of the international community to find a political settlement to a given conflict. There is an ever-growing role in that respect for the Economic and Social Council, as the organ responsible for coordinating the humanitarian activities of the United Nations.

I agree with those colleagues who have raised the issue of the importance of ensuring the safety of humanitarian personnel who are working to help vulnerable groups of people. We must step up coordination in that area, particularly in the context of integrated missions that have humanitarian, military, political and reconstruction components. Such coordination must be strengthened at the United Nations system level, at the level of the various international structures and also at the field level.

There is another important issue: ensuring adequate protection for children during and after armed conflict. We greatly appreciate the work of the United Nations Children's Fund (UNICEF) in that respect. There is a need to develop and strengthen the educational infrastructure and also to try to put an end to the forced recruitment of children by closing off recruitment channels. As the Council is aware, work is currently under way on a new Security Council resolution on children and armed conflict that attaches considerable importance to a monitoring and accountability mechanism. Work is continuing on the draft with respect to the need for further consideration of a number of important issues, including the role of the Security Council in putting in place a mechanism to deal with situations that are not on the Council's agenda. The Russian delegation trusts that consensus will soon be arrived at and that the Council will then be able to take an effective decision on what, I would reiterate, I consider a most important issue.

We believe that a regular exchange of views on enhancing Security Council activities and the work of other structures of the Organization in protecting civilians in armed conflict will give additional impetus to efforts by the international community to deal with this extremely important problem.

Mr. Baja (Philippines): Mr. President, I wish to thank you for having convened this open debate on the protection of civilians, and I thank Under-Secretary-General Jan Egeland as well for his informative briefing on the subject, particularly on specific cases on the ground.

Even as we discuss how to reform the United Nations into an Organization that effectively responds to the needs of the peoples of the world and to the challenges of the day, gruesome situations of violence and indignities against civilians continue to exist and are even multiplying in many areas. We have identified the different actors who need to respond to the situation. We already know what needs to be done, and we have determined the roles of stakeholders. Furthermore, we have the advantage of hindsight with respect to many interventions in situations of armed conflict, as noted by the Under-Secretary-General. Nonetheless, challenges remain in three areas: first, the challenge of creating a synergy with respect to the roles of, and the efforts made by, all actors; secondly, the challenge of improving the quality and reach of interventions; and thirdly, the challenge of ensuring the sustainability of lessons learned on the ground.

We are gratified at the fact that the international community is reviewing its role in the protection of civilians in today's fast-changing environment, especially in the context of the so-called responsibility to protect, as mentioned by the representatives of Benin and the United Kingdom. We agree that a culture of protection for civilians needs to be deeply ingrained. However, we need to have a common view and a collective understanding of how this concept would appropriately and effectively address the needs of civilians in a conflict situation. Interventions to protect civilians should address the particularities of various situations, taking into account the capacities of Governments, the environments obtaining in the region and the political will to resolve the problem.

Protecting civilians is not an easy job for any Government, international organization or civil group. Accession to the relevant conventions on the protection of civilians in armed conflict will enable stakeholders to cooperate and to help each other fulfil the obligations contained in those treaties. Stakeholders must take advantage of each other's competencies and expertise, which will make the protection regime more effective and realizable. If they can engage in more exchanges of best practices, and if they can expand the availability of technical assistance and know-how and create national and international programmes that reinforce protection initiatives and efforts, then a better culture of protection could be achieved.

The responsibility to protect could be complemented, or even pre-empted, if a responsibility to prevent conflict were also adequately addressed. The Security Council must be alert to impending threats to the security and lives of innocent people. Mechanisms for early warning, preventive deployments and diplomatic initiatives should be strengthened. The root causes of conflict need to be examined; a

comprehensive and holistic approach is necessary in that respect. The Council should enhance its coordination with other organs of the United Nations, particularly the General Assembly and the human rights mechanisms of other organs, such as the Economic and Social Council, in order to utilize their respective mandates and strengths. Bringing on board more States and stakeholders in the context of shaping and carrying out decisions on the protection of civilians will ensure better chances of success in the implementation of plans and strategies.

At this crucial stage of discussions on United Nations reform, improvement of the security and quality of life of the peoples of the world may well be a litmus test of the validity of our efforts for reform in the Organization.

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I should like to thank Under-Secretary-General Egeland for his detailed briefing.

In recent years, the question of the protection of civilians in armed conflict has attracted increasing attention on the part of the international community. Innocent civilians, particularly vulnerable groups such as women and children, have always been the principal victims of armed conflict.

The Security Council has considered the question of the protection of civilians on many occasions and adopted relevant resolutions and presidential statements. Other United Nations agencies have also made tremendous efforts. Many humanitarian agencies have played positive roles in easing the suffering of civilians in armed conflict.

However, it is a matter of concern that tens of thousands of civilians in conflict situations find it difficult to guarantee their basic living needs such as food, drinking water and medicine. Attacks targeting civilians happen in various forms in some conflict regions. The humanitarian situation continues to deteriorate, and incidents of deliberate attacks on civilians take place frequently. Refugees and displaced persons are in dire situations.

Obviously, the international community has a lot of work to do to protect civilians. Some principles should be followed in carrying out that work. In that connection, I wish to emphasize the following points.

First, the primary responsibility for protecting civilians lies with the Governments concerned. Governments and parties to a conflict should comply strictly with international humanitarian laws and should effectively honour the corresponding obligation to protect civilians. United Nations agencies and peacekeeping operations should stress international humanitarian law in their publicity campaigns and enhance the awareness of parties to a conflict with regard to their responsibilities to protect civilians, and they should make sure that the peace agreements incorporate articles on protecting civilians. On the other hand, humanitarian assistance personnel and organizations should stick to just, neutral and objective principles and avoid supporting any party to a conflict and affecting the local peace process.

Secondly, the fundamental and most effective approach to settling conflicts and protecting civilians is to focus on prevention and to deal with both the symptoms and the causes of the conflict. As the organ with the primary responsibility for the maintenance of international peace and security, the Security Council should continue to take effective measures to strengthen preventive diplomacy and to promote settlement of existing conflicts so as to save civilians from the miseries of war. In many situations mandatory means can only further complicate the problems and result in more casualties among innocent civilians. The international community should help countries and regions in conflict to formulate preventive strategies, eliminate causes of conflict, promote national harmony and reconciliation and achieve long-lasting and harmonious development.

Thirdly, in practice, the difference in situations of armed conflict in different regions should be taken into consideration, and the various situations should be dealt with on a case-by-case basis. Universal use of one modality should be avoided. The conflicts in the world have different causes, natures and directions of development. So do the phases of the peace process. It is difficult to use a single programme to deal with all the problems of protecting civilians. The protection of vulnerable groups such as women and children also requires concrete analysis of the realities of each region. It is impossible to use one protection mechanism to deal with all the situations. We should take particular care with regard to conflict situations not on the Security Council's agenda. The Council should carefully analyse and produce a mandate before taking any new actions. Whether an existing or a newly

established mechanism is involved, it is necessary to avoid imprudent action.

Finally, I would like to pay tribute to those workers who are making selfless contributions at the risk of their lives in war. They not only deliver food and medicine to people in difficult situations; they also bring them hope of survival. We condemn attacks on humanitarian assistance personnel, urge that all parties effectively implement Security Council resolutions, severely punish the culprits and guarantee the safety and security of international humanitarian personnel.

Mr. García Moritán (Argentina) *(spoke in Spanish)*: First, Mr. President, I wish to thank your delegation for having convened this discussion on the important question of protecting civilians in armed conflicts. We also wish to express our appreciation to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his briefing to the Council on the situation regarding the protection of civilians in armed conflict.

We recall that this important issue has held a prominent place on the agenda of this Council in recent years in a process that has included the adoption of two substantive resolutions — 1265 (1999) and 1296 (2000) — both adopted during Argentina's term as a non-permanent member of the Council, along with successive presidential statements. We should also keep in mind the valuable contribution of the annual reports of the Secretary-General and of oral briefings of the Council such as that we have heard from Mr. Egeland.

Notwithstanding the measures that have been taken, including the road map, the aide-memoire and the ten-point plan, there is a manifest lack of progress in the field. The persistence of the problem should prompt thorough reflection on the part of the international community.

We have already indicated to the Council that no consideration of national security can take precedence over the primary obligation of all States to comply with the norms of international humanitarian law contained in the Geneva Conventions and their Additional Protocols. The international community cannot and must not remain indifferent to the atrocities inflicted on civilians.

In circumstances in which the judicial system fails, the international community has an important role to play, including through the International Criminal Court, to ensure that the perpetrators of those crimes are brought to justice. The attacks on civilian populations or on other protected persons and systematic, blatant and widespread violations of international humanitarian law and of international human rights law in situations of armed conflict are a threat to international peace and security and require proper consideration and response from the international community.

In the past, the Security Council has stated its readiness to consider the various situations and conflicts with a view to adopting, whenever necessary, appropriate measures to help establish a secure environment for civilians threatened by conflict. In the current context of violence directed against civilians, it is essential to improve physical protection for refugees and internally displaced persons, as well as for women, children and vulnerable groups in areas of danger. As part of those endeavours, the peacekeeping operations set up by this Council should set, as a key objective, the establishment of a safe environment for vulnerable populations in situations of armed conflict.

That and other measures should be studied thoroughly and expeditiously by the Council. We cannot and must not remain unresponsive to those situations that are an assault on human dignity. For this reason we believe it is essential that the Secretary-General provide recommendations to us on this issue in his report at the end of this year with a view to the adoption of a further resolution on the protection of civilians in armed conflict, which will help prevent the continuation of such violations of human rights and humanitarian law.

The Argentine delegations reaffirms its commitment to continue to work to establish efficient and specific measures and mechanisms to tackle the challenge of the protection of civilians in armed conflict, both through this Council and in the context of the discussion in the General Assembly on the Secretary-General's proposals to the Assembly contained in his report "In larger freedom" (A/59/2005).

Mr. Faaborg-Andersen (Denmark): I join in thanking you for convening this open debate today, allowing us, along with the full membership of the

United Nations, to renew our pledge to the cause of protecting civilians in armed conflict and to review the progress to date. I would also like to thank sincerely Mr. Egeland for his briefing and his recommendations, which we wholeheartedly support. On occasions like this, one cannot help hoping for good news. Yet, once again, we are faced with insufficient improvements on the ground.

We simply have to do better — the Security Council, the United Nations, its agencies, its Member States, non-State and other relevant actors.

Against this background, let me briefly touch upon three issues. But before proceeding, I would like to fully associate Denmark with the statement of the European Union to be delivered later today by the Permanent Representative of Luxembourg.

First, let me stress that Denmark fully subscribes to the 10-point platform of action developed by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The platform identifies the most pressing challenges at hand and shows us where to direct our future efforts. All points are equally important and mutually reinforcing, but Denmark will, for its part, pay special attention to issues relating to impunity, to sexual violence, and to the special protection needs of women and children in armed conflict. In that connection, we welcome the fact that we seem finally to be approaching agreement on the long overdue draft resolution on children in armed conflict, including on a mechanism to monitor those who exploit children as combatants. Denmark would also take a careful look at the role of armed groups, even though they are non-State actors, and their responsibility to protect civilians, allow humanitarian access and, more generally, respect international law.

It is now time for us to go beyond merely recognizing the scale of the difficulties and complexities of protecting civilians. With the 10 points as stepping stones, we must develop tools that will translate our full commitment to protection into improvements on the ground. We all acknowledge the magnitude of the problem, but we have yet to develop adequate tools to improve the situation. Against that background, we strongly support Mr. Egeland's proposal for more systematic reporting to the Security Council, which it is hoped may form the basis for more targeted Council action in this field.

In his report due in November, the Secretary-General is expected to provide us with recommendations on ways in which the Security Council and other organs of the United Nations can improve the protection of civilians in armed conflict. We look forward to those recommendations, and to working actively with partners in a sincere commitment to bring about positive results.

Secondly, the Security Council is already working on a host of themes relevant to the protection of civilians. There is hardly one item on the agenda of the Security Council that does not relate in one way or another to the protection of civilians in armed conflict. What they all have in common is that they concern the principal responsibility of the international community to protect individuals in humanitarian distress, in the event that their own Governments fail to do so. We sincerely hope that the forthcoming summit will endorse this fundamental principle of international behaviour. That would be a major milestone and add further substance and direction to the work of the Council in this area.

The expected establishment of a Peacebuilding Commission will mark a new beginning for a comprehensive approach to countries emerging from conflict. In the post-conflict phase, the Commission will provide a forum for coordination, in particular of humanitarian issues. It is hoped that the 10-point plan and the mechanisms to implement it will prove to be useful tools for the Commission and for a more targeted effort in the field.

Thirdly, women are a major resource in all phases of conflict and crises, and we must endeavour to make better use of them. As the Security Council recognized in resolution 1325 (2000), the full participation of women in peace processes significantly contributes to the maintenance and promotion of international peace and security. Nonetheless, women are often regarded solely as victims of conflict. If we fail to include women in the decision-making processes relating to all phases of conflict, we miss out on a major opportunity to ensure lasting and sustainable solutions.

I would like to ask Mr. Egeland to elaborate on his assessment of the situation and, if possible, ideas he may have on how better to address this deficiency.

Finally, we expect that the Security Council will, subsequent to this debate, adopt a presidential statement expressing its intention to take further

action. It is imperative that this be not merely a promise of a declaratory nature, but that it contribute to real change on the ground. We, for our part, stand ready to contribute to that.

Mr. Vassilakis (Greece): Thank you for organizing this debate on protection of civilians in armed conflicts. It is an issue of great importance to the world community and has been at the centre of the United Nations' attention in recent years.

I also thank Mr. Egeland for the comprehensive, informative presentation. It was very good that he mentioned particular cases.

We associate ourselves with the statement that the Permanent Representative of Luxembourg will make at a later stage on behalf of the European Union.

The protection of civilians in armed conflict has been identified as a high priority in the United Nations Millennium Declaration. Rightly, special attention has also been given to this issue in the recent report of the Secretary-General entitled "In Larger Freedom".

The report raises various important aspects of civilian protection. It emphasizes the need to prevent atrocities against the civilian population and to ensure that the international community acts promptly when faced with massive violations.

In the same context, the report makes reference to the Security-General's five-point action plan to prevent genocide. We support this action plan and call for the ratification and the implementation of all treaties relating to the protection of civilians.

We believe that the protection of civilian populations in armed conflicts is a matter which falls under the responsibilities of the Security Council in maintaining international peace and security.

In adopting resolution 1593 (2005), and in referring the situation in Darfur to the Prosecutor of the International Criminal Court, the Security Council took a proactive attitude toward putting an end to impunity for the war crimes committed in Sudan. That is a first step in combating a culture of impunity, which will help the consolidation of peace, security and justice in our societies.

The question of humanitarian access to those in need, and the removal of obstacles that prevent humanitarian workers from delivering humanitarian assistance and protection to the civilian population are of high importance.

The security of the humanitarian workers is another issue that raises serious concerns.

The protection of women and children during armed conflict is a major concern for the international community.

Forcible recruitment of children into armed forces and child abduction are gross violations of international humanitarian law and continue to be major problems.

Displaced persons and refugees is another major humanitarian concern.

The Secretary-General has, in his report, underlined the need to address these issues together with his Emergency Relief Coordinator.

Mr. Egeland earlier made an interesting presentation on most of the aforementioned issues and gave us a bleak picture of the serious problems that humanitarian workers and other vulnerable groups are facing today in conflict situations. It is also clear that the suffering inflicted on the civilian population is aggravated by restrictions on humanitarian access.

All of the foregoing indicates the urgent need for effective measures of protection. In that respect, we support the measures proposed by Mr. Egeland as well as the 10-point platform for the protection of civilians that he presented to the Security Council in 2003, and we call for its early implementation.

We also believe that regional organizations can play a very important role in that respect. This is particularly true for the African Union and its role in the Darfur crisis. We fully subscribe to the call for an urgent increase in the capacity of the African Union on the ground in the latter case.

In conclusion, we would like to stress the need for the Security Council to take a more proactive stance in this field and to adopt in the near future a new resolution that would focus on the major challenges related to civilian protection in conflict-torn societies, with a view to enhancing such protection and revitalizing the role of the Security Council in this crucial area.

Mr. Motoc (Romania): I should like to begin by joining others in thanking Under-Secretary-General Jan

Egeland for his excellent and very to-the-point briefing on the topic at hand.

Romania associates itself with the statement to be made shortly by the Permanent Representative of Luxembourg on behalf of the European Union.

I wish to sincerely commend the French presidency of the Security Council for having convened this public debate. Indeed, it is a disturbing reality of our times that, in spite of the efforts undertaken in past years by various components of the international community — including, prominently, the United Nations — in many parts of the world, a great number of civilians — in particular women and children, but also other vulnerable groups — are still targeted at various stages of armed conflict by combatants. Hence, the Council needs to put even more emphasis on its work on this topic, which cuts across a broad range of conflicts, by changing the ways in which we address it, in keeping with the changing nature of the conflicts that confront us today.

It is striking evidence of the changing nature of conflict that civilians are no longer just incidental victims of armed conflict, but have increasingly become targets and even tools in warfare. Women and children are especially vulnerable in situations of armed conflict. Moreover, there are situations in which United Nations civilian personnel on the ground and humanitarian workers operating out of either intergovernmental or non-governmental organizations have also become direct targets, because of the tactics frequently resorted to by factions engaged in conflict. The acknowledgement of new threats to civilian populations, including their most vulnerable members, must be followed by the steady formulation of proper responses and solutions — often on a case-by-case basis — to protect them.

The first priorities are strengthening the applicable legal framework and ensuring its proper implementation. The Security Council must use all appropriate means to appeal to the parties in armed conflicts to comply fully with the provisions of the United Nations Charter and with the norms and principles of international law, in particular international humanitarian, human rights and refugee law. Further, it is imperative that States live up to their commitments and act decisively to curb impunity by prosecuting those responsible for genocide, war crimes, crimes against humanity and violations of humanitarian law.

There is an increased need to protect certain categories of civilians who may face particular threats. Thus, we must devise specific measures and a broad strategy aimed at preventing and addressing cases of sexual and gender-based violence and at bringing to justice the perpetrators of such serious violations of human rights. We must make sure that the security and freedom of movement of humanitarian personnel are guaranteed by all parties engaged in an armed conflict, while acknowledging that it is important that everyone involved in humanitarian activities respect the principles of neutrality, impartiality, humanity and independence.

Prevention is always more effective than protection. In that respect, we need to adopt a more strategic approach that would address in a comprehensive manner the root causes of armed conflict. The international community must provide the necessary incentives for the parties to engage in a meaningful process of political reconciliation. The establishment and consolidation of democratic institutions, respect for human rights and the rule of law are material conditions for sustainable development in societies headed towards or emerging from armed conflict.

The regional dimension of most armed conflicts is obvious today. Romania has always been a strong supporter of the United Nations working in concert with regional organizations in taking up this agenda so that no conflict, no crisis and no tension is left unaddressed and to improve the chances that such conflicts, crises and tensions will be dealt with in a more timely and comprehensive manner. Regional action under United Nations supervision can also make a difference by removing the more deep-seated factors that currently trigger violence against civilians.

It is essential to improve and upgrade the capacity of the United Nations system so that it can respond appropriately to contemporary manifestations of conflict. That entails, for instance, the provision of better-tailored mandates and more adequate resources to peacekeeping missions to enable them to pursue their goals — including the protection of civilians in armed conflict — more effectively.

Concerns related to the protection of civilians in armed conflict in general, and of children and women in particular, have become matters that the Security Council now considers, in a dedicated manner and on a

regular basis, as important components of its agenda. In our view, that should also be the case with regard to the relationship between the United Nations and regional organizations in conflict situations.

What matters most is that these steps forward not be diluted by formalistic or ritualistic approaches. It is difficult for us to understand, for example, why the Council cannot extend its protection to children — or to other vulnerable population groups, for that matter — when they face violence and adversity, regardless of the status we ascribe to the conflict affecting them. After all, children and other vulnerable groups have no choice between living in peace and being exposed to conflict, violence or hardship; likewise, they cannot choose between conflict situations that are addressed by the United Nations and those that are never on — or quietly slip off — our radar screens.

Perhaps it would be appropriate for me to conclude on a note of optimism. At a time of change for the Organization, Member States should be able to keep the plight of civilians in armed conflict at the top of the agenda aimed at improving and consolidating existing United Nations bodies in order to rid the world of the scourge of war and the pathology of infringements of human rights.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of France.

I thank Mr. Egeland for his important statement.

I should like to begin by saying that I fully associate myself with the statement to be made by the representative of Luxembourg on behalf of the European Union.

These twice yearly debates remain essential, in my view, because several factors are making the protection of civilians in armed conflict more difficult than ever before. Those factors are well known: the internal nature of today's conflicts and the increasing fragility of international law. I would add that heightened global awareness is causing some situations to be perceived as totally unacceptable.

What has happened since our last debate, in December 2004? On the ground, as Mr. Egeland said, the situation of civilian populations remains very precarious and is often intolerable. That is particularly the case in the Congo and in the Sudan. Sexual violence is becoming commonplace. Forced displacement is used as a tactic of war. Humanitarian personnel are harassed and attacked. The kidnapping in Ituri of two members of the non-governmental organization Doctors without Borders is a recent example. And the emergence of new crises — in Nepal, for example — is another new cause for concern.

How do we respond to that situation? Mr. Egeland has provided some ideas on how to strengthen the protection framework. I imagine he will develop those ideas in his next report to the Council.

For my part, I should like to comment on three points.

First of all, there is, of course, a problem of resources. We must ensure that there is a correlation between the mandate to protect, assigned to peacekeeping operations, and the resources provided for the execution of that mandate. That is particularly important when it comes to the physical protection of the most vulnerable. Mr. Egeland rightly emphasized that point. We must give further thought to realistic and effective solutions, taking account of past experience, especially that of the United Nations Mission in the Democratic Republic of the Congo (MONUC).

When acute crises occur in the matter of protection characterized by mass violations of human rights and international humanitarian law, we must be able to apply the principle of the responsibility to protect. That principle reaffirms the primary responsibility of States to protect civilians on their territory; hence there is no interference. In the event that the State concerned fails to act, the international community has a duty to do so, including through the Security Council. I am convinced that heads of State or Government, meeting in New York in September, will be able to reach agreement on that principle.

We must also deal with the vicious cultural circle of violence. Given a certain level of chaos and lawlessness, even those who are normally victims become executioners. That can be seen today in the Democratic Republic of the Congo, where not only combatants, but also civilians themselves, commit acts of sexual violence. In the face of such intolerable aberrations, the fight against impunity is an absolute imperative. The obligation to punish and the obligation to protect are the primary responsibilities of States, and it is at that level that impunity must be combated first and foremost. However, when a State fails to act,

international justice — specifically, the International Criminal Court — is an essential recourse for States, as well as for the Council.

Since the most recent resolution — adopted by the Council in 2000 — on the protection of civilians, and, more broadly, since the first mandates for peacekeeping operations that included a protection component, the context has changed a great deal. I believe that the time has come to consider adopting a new resolution, taking account of such developments and offering guidance for the future.

I now resume my functions as President of the Council.

In order to ensure that we manage our time properly, and with a view to enabling as many delegations to take the floor as possible, I shall not invite individual speakers to take a seat at the Council table. When a representative takes the floor, the Conference Officer will seat the following speaker at the table.

The next speaker is the representative of Peru, on whom I now call.

Mr. De Rivero (Peru) (*spoke in Spanish*): My delegation commends you, Mr. President, for having convened this open debate on the protection of civilians in armed conflict. We are also grateful to Mr. Egeland for his comprehensive briefing — although I must say that his comments give cause for concern.

This discussion is important, because one of the great challenges facing the Security Council in the twenty-first century will be the protection of civilian victims of conflicts throughout the world — conflicts that are now mostly civil in character. Since the cold war, approximately 33 domestic armed conflicts have broken out or been rekindled, resulting in more than 5 million deaths and almost 17 million refugees and displaced persons. Such conflicts are truly hellish in character, there being no longer any respect for the most basic humanitarian principles, nor any distinction between the belligerents and innocent civilians. Thus, civil armed conflicts turn into a kind of mass crime wave. They are truly destructive national conflicts that transform countries into breeding grounds for crimes against humanity. That is why this debate is so important.

It must be said that the problem in addressing such conflicts is that the United Nations was not created to prevent internal conflicts among civilians. Many Governments still believe that the suffering that they inflict or allow to be inflicted on their civilian populations is the domestic affair of States. However, it is worth asking ourselves whether perpetrating or permitting mass or systematic violations of the right to life and, specifically, the provisions of the Geneva Conventions and the Convention Against Genocide, can honestly be called the domestic affairs of a State.

It is clear that, in accordance with international law, States bear the primary responsibility for protecting civilian populations. We believe that belligerent armed groups also bear that responsibility. If States or armed groups violate international law or fail to comply with the Geneva Conventions, the Convention Against Genocide or humanitarian law in general, such violations are not a domestic matter, but represent a threat to international peace and security. Accordingly, such acts must meet with an immediate and firm response by the Security Council. The United Nations is thus duty-bound to protect civilians from crimes against humanity, including mass violations of human rights, ethnic cleansing and genocide.

That right to protection is not easy to exercise, because it involves three specific responsibilities: the responsibility to prevent internal causes of conflict that put populations at risk; the responsibility to respond, which includes coercive measures, sanctions and, in extreme cases, military intervention; and the responsibility to reconcile the population and rebuild the ravaged country.

One important measure that would strengthen the Council's responsibility to protect civilians would be, for example, for the five permanent members of the Security Council to arrive at a gentleman's agreement not to use their veto when dealing with questions about whether to intervene to prevent crimes against humanity, in particular in the face of mass violations of human rights or the right to life, ethnic cleansing and genocide. That gentleman's agreement would become operative once the Secretary-General put forth a case backed up by reports of the Office of the United Nations High Commissioner for Human Rights. The underlying idea would be for permanent members of the Security Council, in response to a request by the international community, to cooperate by not vetoing Council operations that could save thousands of human

lives. The Council could also take the following practical measures to strengthen its capacity to protect civilians.

First, the Council needs greater foresight in identifying countries at risk of crisis and under stress, as well as in possibly identifying future threats to peace not yet on its agenda.

Secondly, the Council should undertake a systematic evaluation of mandates pertaining to the protection of civilians, including measures taken pursuant to Chapter VII of the Charter, so as to enhance its capacity to protect.

Thirdly, the Council should review national reconciliation and reconstruction processes on an ongoing basis.

Thus far, the Council has not effectively carried out its responsibility to prevent conflicts. With regard to the second responsibility — namely, to respond — not all peacekeeping missions have been completely successful, either. As regards the responsibility towards reconciliation and reconstruction, it remains to be seen whether that will work in the future.

As we can see, the Council continues to face the great challenge of fully carrying out its responsibility to protect, which today exceeds the good intentions reflected in resolutions 1265 (1999) and 1296 (2000). It is therefore a good idea to consider another draft resolution to supplement those.

The gentleman's agreement on avoiding a veto and the practical measures I have mentioned will be worth nothing if the Council's peacekeeping — or peace enforcement — capacity is weakened by lack of recruitment, shortcomings in the troops recruited and delayed deployment of troops. If we do not improve the quantity and quality of United Nations personnel, we will not be able to achieve protection for civilians, unless the Organization were hypothetically prepared to resort to the hiring of private military firms that have no obligations vis-à-vis international humanitarian law but are already providing an alternative in many armed conflicts.

It is for those reasons that the Council should embrace the recommendations of the High-level Panel on Threats, Challenges and Change calling on countries with the greatest military capacity to make available to the United Nations autonomous, highly-trained and self-sufficient stand-by battalions that could even be as large as a brigade.

One of the things that should be examined in the area of protecting civilians in international armed conflicts today is the increasingly common use of the notion of collateral damage. That is often a euphemism referring to the many civilians who are going to die, or who have in fact died, and is to justify military objectives. If the United Nations does not react to the concept of collateral damage in international conflicts, it will be following the military logic of belligerents, which accepts the inevitability of the loss of innocent life as falling within the acceptable scope of military action. If we really want to protect civilians, one of the first tasks of the Security Council should be to dispatch special missions to investigate civilian losses in international armed conflicts. Only in that way will it be possible to determine whether or not warring parties have complied with humanitarian conventions.

United Nations reform is unquestionably a very high-profile issue in international public opinion today. In that regard, the case of Darfur will prove whether the Council is capable of bridging the gulf between its speeches and resolutions about protecting civilians and effective action in the face of crimes against humanity.

The President (*spoke in French*): I now give the floor to the representative of Colombia.

Mrs. Holguín (Colombia) (*spoke in Spanish*): I would like to begin by congratulating you, Sir, on your assumption of the presidency of the Security Council, as well as by thanking you for organizing, and presiding over, this debate. I would also like to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for his briefing on the issue of the protection of civilians in armed conflict.

With regard to that subject, which is of particular importance, States with solid democratic institutions have an opportunity and responsibility to work to ensure progress and development for their citizens in a safe and violence-free environment. It is incumbent upon Governments to carry out that task; the international community has an important role to play in providing support and cooperation through specific programmes that contribute to the strengthening of national initiatives.

The protection of civilians in armed conflict should be governed by international law and be

respectful of its guiding principles. It is essential that the humanitarian issue not be confused with the political component, as that would put an end to the transparency and objectivity that should govern humanitarian affairs. In that regard, the trend to include humanitarian assistance in the political and military missions of the United Nations jeopardizes the fundamental principles of the Organization.

Building trust among civilian populations and working with authorities requires joint coordination and concerted action between States and humanitarian organizations. We believe that the example provided by the International Committee of the Red Cross should be the rule, and not the exception, in any humanitarian situation.

The tendency in the civilian protection system has been to focus on displaced populations. It is in that context that we would like to express some of our views.

The worldwide problem of illicit drugs gives rise to many ills in Colombia, including displacement. Colombia's population is the victim of organized transnational crime, as arable land is illegally seized for the purposes of drug trafficking by illegal armed groups linked to that scourge. Such illegal seizures violently expel people from their land, thereby causing displacement. The results of the war on drug trafficking during President Uribe's Administration have had a direct beneficial impact on the civilian population. Civilians are safer on their land with each passing day, and they are increasingly returning voluntarily to those lands.

Drug trafficking — a multi-million-dollar business — respects neither democratic institutions, laws nor the rule of law. Neither does it respect civilians. Drug trafficking generates violence and is a threat to the stability and security of States. Comprehensive cooperation is essential to overcome this scourge, which is at the origin of many others. The United Nations Office on Drugs and Crime is working closely with our Government and has had successes in recent years. It understands the complexity of the problem; that understanding accounts in part for the success of the strategies and programmes undertaken with national authorities. Colombia has the greatest interest in restoring security for Colombians and ensuring that all persons can live in their places of origin without having to be displaced in order to escape violence. My country is working steadfastly to meet those goals and has achieved significant results in recent years.

Since the current Government of President Uribe Velez came to power, displacements resulting from the activities of illegal armed groups have been consistently and permanently reduced. On the basis of annual tallying — and not on a cumulative basis, as the phenomenon has been presented by certain non-governmental organizations — of 420,000 displaced persons in 2002, there were only 220,000 remaining in 2003 and 170,000 in 2004. We calculate that were will be some 150,000 by the end of 2005, which does not jibe with the 700 daily mentioned this morning by Mr. Egeland. Unfortunately, we have not managed to correlate the figures of the State with those of the United Nations system, but in any case we need to work more on finding a solution to the overall problem than on adjusting figures.

Colombians are increasingly returning to their homes thanks to the resolute action of the State to provide security in all corners of the country and in difficult conditions involving great logistical and financial challenges. The official figure for registered displacements is 1.5 million. This is a cumulative figure covering the past 10 years, and not just recent months. Colombia is working to ensure that there will be not one displaced person in the future and is effectively caring for the population. In that work, it cooperates and maintains permanent open communication with the United Nations system and the Office for the Coordination of Humanitarian Affairs (OCHA). Although we may disagree with OCHA on certain approaches — and particularly on the question of access — we believe that the State has paved the way for trust and joint effort. This year, the Government agreed to implement a humanitarian proposal with the United Nations system, in which it is hoped that the donor community will play an important role in financing specific programmes and projects. The Government is providing more than 80 per cent of the scheme's budget. The concerted action will propose long-term solutions for displaced communities, and we are certain that it will yield positive results.

In this debate we have to consider not only the numbers of displaced persons, but also the nature of the State in which the populations in need of protection are located, before devising general formulas applicable to all situations. We have discussed the so-

called collapsed States, States incapable of caring for their own populations, and States where, while the needs of the people are met, for one reason or another they have been displaced or are vulnerable due to particular circumstances.

It is important to take into account the special circumstances of each situation and the response of the State to a specific problem. On the basis of such an assessment, we need to develop support policies and assistance that distinguish between cases and are adapted to each. We need to focus on identifying and defining the objective features of the State and its capacity to choose the kind of cooperation assistance required to protect its civilian population. In that analysis, figures and considerations of political preference must be relegated to a secondary level, because, whatever the situation may be, the most important thing — and what the United Nations enables us to carry out most effectively — is an assessment of national capacities and needs in order to provide the ideal response guaranteeing the protection of civilians.

Since we favour access to the people in order to provide them with their needs, we refuse to recognize the need to dialogue with illegal armed groups to ensure humanitarian access. We do not believe that we need to talk with such groups if we wish to undertake effective humanitarian work. Similarly, every situation is specific and different, and it is therefore not useful to draw up formulas for general implementation. Not all illegal armed groups can be approached in all parts of the world. There is a need to reaffirm their association with transnational crime, drug trafficking and terrorism.

Since the issue of children in armed conflict has been raised this morning, we believe that the United Nations must focus on disarmament, demobilization and reintegration programmes for that sector in order to enable such children to begin their lives anew. Colombia is working with the United Nations Children's Fund on relevant projects and on strengthening national reintegration programmes.

In conclusion, I reaffirm my country's commitment to international humanitarian law and the protection of civilians affected by violence and terrorism. We believe that there is a need to create a legal framework for establishing the responsibility to protect, and in that regard the United Nations could be much more effective in the protection of civilians. We believe that cooperation among the various actors is essential to strengthening the policies and mechanisms of national protection, to the benefit of civilians.

The President (*spoke in French*): I call on the representative of Egypt.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): The Security Council is continuing its discussion of the protection of civilians in armed conflict with a view to creating a more effective and more inclusive vision to be implemented by the international community in an atmosphere of assiduous collective action and commitment and in a manner corresponding to the findings and recommendations of the High-level Meeting to be held by the General Assembly in September. That Meeting will seek to enhance all United Nations activities in an integrated manner with a view to achieving a real improvement and reform of the Organization.

We must therefore work collectively on two parallel fronts. First, we must make every effort to resolve armed conflicts and to prevent their recurrence in an integrated framework that includes elements of preventive diplomacy, the peaceful settlement of disputes, peacebuilding and integration efforts, and the redeployment of resources to achieve stability and development.

Secondly, we must protect civilians from any harm that may befall them during or as a direct result of armed conflict. Proceeding from our firm belief in the strong link between this topic and international humanitarian and human rights law, this year for the first time Egypt sponsored a draft resolution, entitled "Protection of human rights of civilians in armed conflicts", at the sixty-first session of the Commission on Human Rights, with the aim of depoliticizing international humanitarian law and focusing on the promotion of international mechanisms for the protection of civilians' rights in armed conflict, including the protection of peoples chafing under the yoke of foreign occupation, in a framework that guarantees the equal and scrupulous implementation by States of their obligations under the Geneva Conventions and international humanitarian law. It is encouraging that the resolution commanded unprecedented support, as reflected in the positive votes of most States members of the Commission and its sponsorship by approximately 100 States. Egypt has

also supported the Security Council's efforts in that respect in recent years. It has also stressed the need to harmonize the provisions of international humanitarian law and the principles of the United Nations Charter.

We are disturbed, however, by the increase in hotbeds of tension throughout the world. Rights violations and crimes against civilians have all been on the rise recently, leading to a growing number of casualties and displaced persons, as well as to ongoing acts of destruction and sabotage and the plundering of natural wealth and cultural heritage, in contravention of all legal and moral norms. We must therefore stress the fact that the protection of civilians in armed conflict should be based on the decisive commitment of all parties and States to the provisions of international humanitarian law, especially the Fourth Geneva Convention. It should be also be based on the observance of religious, cultural, ethnic and demographic specificities and on the necessary protection of civilians under brutal occupation. It should take place in an atmosphere of full respect for the principles of sovereignty, territorial integrity and non-interference in internal affairs.

Despite such important developments as the expanded scope of United Nations peacekeeping operations to cover the protection of civilians in armed conflict and securing the delivery of humanitarian assistance to most of those in need, we must acknowledge that the training and deployment of the personnel of those operations remain inconsistent with the many complex security and economic measures that vary with each situation. United Nations interventions therefore sometimes come too late to meet the needs of civilians in certain areas in terms of security and emergency humanitarian assistance. Hence it is necessary to reconsider the manner in which the United Nations, especially the Security Council, addresses the question of the protection of civilians, keeping it separate from political, economic and security interests and bilateral relations.

There is no doubt that protecting civilians in armed conflict requires that regional organizations play an important role at all stages of the process — especially on our continent, Africa, where the African Union has set an example to be followed that can be benefited from at the international level. The need to protect civilians in armed conflict does not cease with the end of military operations. Rather, an inclusive concept of such protection involves post-conflict peacebuilding, including the development, social and humanitarian dimensions, and aspects relating to rehabilitation and reconstruction.

The destruction of socio-economic infrastructures caused by armed conflict puts the lives of civilians in grave danger. Peace, in its political, economic and security aspects, remains fragile if it is not backed by comprehensive and focused development plans and programmes. Security, development and human rights all should be safeguarded at all stages of the process in order to bring about security and stability for civilians in conflict areas.

The President (*spoke in French*): The next speaker on my list is the representative of Luxembourg. I invite him to take a seat at the Council table and to make his statement.

Mr. Hoscheit (Luxembourg) (*spoke in French*): I have the honour to speak on behalf of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the European Free Trade Association country Iceland member of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

Civilian populations have, in one way or another, suffered the consequences of each and every conflict throughout history. Their deliberate targeting as a means to further military objectives is, unfortunately, not new either. But the fact that such practices, which involve gross violations of human rights and international humanitarian law against the most vulnerable groups, have managed to spill over into the twenty-first century is something that deeply concerns us. Mr. Egeland has just given us numerous examples, and I take this opportunity to congratulate him and to thank him for his courageous and committed work and for that of the United Nations personnel who are involved in the protection of civilians.

Today's debate on the protection of civilians is very timely, not only because we are aware that human rights violations are occurring even as we are meeting here, but also because, as Members of the United Nations, we are currently engaged in reforming our Organization and in rethinking the way in which it is

handling situations of armed conflict. The European Union has endorsed the Secretary-General's important proposal concerning the responsibility to protect. The protection of civilian populations is a moral imperative for the international community; it is a collective and shared responsibility. In its resolution 1296 (2000), the Security Council has indicated its readiness to consider threats to peace and security of this nature and, where necessary, adopt appropriate steps.

While we renew our commitment to those principles, we cannot forget that the primary responsibility to protect lies with individual sovereign States. However, when a State is unable or unwilling to protect its civilians, or when crimes such as genocide, ethnic cleansing, crimes against humanity, war crimes or massive and grave human rights violations occur or threaten to occur, the international community must respond.

While small arms and light weapons take a large toll in today's conflicts, especially in Africa, one of the most brutal weapons used systematically in places such as Darfur and the eastern part of the Democratic Republic of the Congo, for instance, is rape and the sexual enslavement of women and children, including among refugees and internally displaced persons. The European Union strongly condemns sexual and gender-based crimes and expects that the recent referral of the situation in Darfur to the International Criminal Court (ICC) and the forthcoming investigation by the ICC Prosecutor will address these crimes. A persistent climate of impunity facilitates the commission of such crimes. The situation in Darfur should therefore serve as a signal of the determination of the international community to uphold the rule of law, to end impunity and to bring the perpetrators to justice, there or elsewhere.

I wish to take this opportunity to welcome the presidential statement of 31 May 2005 condemning all acts of sexual abuse and exploitation committed by United Nations peacekeeping personnel. In that context, the European Union urges all its partners swiftly and fully to implement all recommendations adopted in the report of the Special Committee on Peacekeeping Operations. It looks forward to the swift establishment of the group of legal experts and the conclusion of their work on the legal ramifications of some of the proposed recommendations.

I mentioned briefly the situation of refugees and internally displaced persons. As they seek protection abroad or in their own country, fleeing armed conflict or specific threats, they sometimes remain in danger even in their place of refuge. Men are killed, and women and girls are raped and sometimes killed. Sometimes camps are targeted; they are often inadequately protected. There is therefore a clear need for increased physical protection. Where States will not or cannot provide such protection, the international community must do so. In that context, I would like to repeat our call for improved humanitarian access in all areas where aid is so desperately needed.

The role of regional organizations must be highlighted. In that context, the European Union commends the African Union (AU) for its leadership in the Darfur region of the Sudan, where the AU monitoring mission has shown demonstrable results in reducing occurrences of violent crimes in the areas it patrols. The European Union actively supports the expansion of the African Union mission in Darfur and has recently announced a sizeable aid package.

Occurrences of direct and deliberate targeting are increasing, but civilians also continue to suffer from the indirect consequences of armed conflict, for example, the destruction or deliberate misuse by parties to the conflict of health or education infrastructures, such as hospitals and schools.

When I had the honour of addressing the Council during its recent open debate on peacebuilding, I noted that the protection of civilians was one of the many elements of a comprehensive and coherent peacebuilding strategy. While the protection of civilians is now included in the mandate of every peacekeeping operation, it must remain on the agenda when a given situation transitions to a longer-term peacebuilding phase. The future Peacebuilding Commission will clearly play a pivotal role in that respect.

In conclusion, five years after the adoption of resolution 1296 (2000), it is clear that the situation concerning the protection of civilians in armed conflict has not improved much.

Without prejudging the Secretary-General's assessment in his next report, which is due at the end of this year, it would seem that there is a clear need to strengthen the framework of the protection of civilians in armed conflict, possibly through the adoption of a

new resolution. In any event, I assure the Council that the European Union will remain fully committed to international endeavours to enhance the protection of civilians in armed conflict.

The President (*spoke in French*): The next speaker is the representative of Canada, to whom I give the floor.

Mr. Rock (Canada): I am pleased to address the Council on behalf of Canada, Australia and New Zealand. At the outset, I would like to reaffirm our strong support for the call to action that we heard today from Emergency Relief Coordinator Jan Egeland.

Our Governments continue to attach the highest importance to the protection of civilians in armed conflict and to the attention that the Security Council has rightly focused on increasing the physical and legal security of war-affected populations.

Last December (see S/PV.5100), our Governments highlighted six key issues that should form the basis of future Council action on protection issues. These included: putting a greater emphasis on conflict prevention; systematically pursuing lessons learned with respect to past civilian protection mandates; strengthening monitoring and enforcement mechanisms for targeted sanctions; more proactive engagement on the issue of natural resources and armed conflict; and reinforcing the capacity of country teams to respond to protection concerns. In addition, we placed important emphasis on the need for the Council to reach agreement on how it will apply Chapter VII of the Charter in response to attacks against civilians, particularly in internal conflict, consistent with resolution 1265 (1999).

We continue to believe that those issues must be the focus of Council efforts in the months ahead and must be reflected in the Secretary-General's next report. Today, however, we will focus on just a very few of the additional concerns that have been noted by Mr. Egeland.

The appalling and endemic use of sexual abuse and violence as a weapon of war demands our urgent attention. It is clear from what we have seen in the horrors of Bosnia, Rwanda and Sierra Leone and from what is evident today in the Democratic Republic of the Congo and Sudan that a more robust and better coordinated international response is required. States affected by conflict, their justice systems and their local communities must be engaged as a matter of priority to ensure that perpetrators of sexual violence are brought to justice. The international community can do more to marshal and coordinate support for local-level judicial reform, capacity-building and the overall strengthening of the rule of law as a critical investment. In that respect, we strongly support the proposed Peacebuilding Commission. We note the good work of the Challenges of Peace Operations Project on these issues and look forward to the finalization of its phase-II report later this year. Where serious crimes amounting to war crimes, crimes against humanity or genocide cannot or will not be addressed locally, the International Criminal Court becomes the appropriate forum to turn to.

In addition, United Nations agencies and other humanitarian, development and human rights agencies must strengthen their efforts to promote prevention of sexual exploitation and to increase accountability, including within their own work. We also believe it would be useful for the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations to consider how United Nations peace support operations with protection-of-civilians mandates might be better designed to ensure greater physical security for women and children at risk of sexual or gender-based violence. We must look to troop-contributing countries to follow through on the work initiated by Prince Zeid Ra'ad Zeid Al-Hussein and the Special Committee on Peacekeeping Operations, to ensure that peacekeepers do not contribute to gender-based violence and that individual peacekeepers are held accountable if they commit such acts.

As we have seen in recent months, regional organizations can play an important role in providing timely, appropriate and effective responses to protection crises. The leadership that the African Union has shown in Darfur is an example of what may be possible in that respect. We encourage continued strong links between the United Nations and regional organizations on civilian-protection issues. The international community must make concerted efforts to build and enhance regional crisis response capacity, including through political, material and financial support when required.

We must also continue to recognize that key elements of the civilian-protection agenda have important regional dimensions, such as the abduction,

recruitment and use of boys and girls as child soldiers, and forced displacement.

As was evident in West Africa, failure to effectively put our collective resources into programmes of disarmament, demobilization and reintegration (DDR) that assist in the reintegration and rehabilitation of children renders them vulnerable to re-recruitment with consequences for national and regional stability.

In that regard, I would also like to draw the Council's attention to the domestic and regional implications of the continued abduction and recruitment of children in northern Uganda. That region presents a continuing tragic cycle of displacement, violence and child abduction: an appalling situation that has lasted for almost 20 years. We urge the Security Council to request continuing reports on the humanitarian and human rights realities in Uganda and to look for the appropriate moment to put that conflict on its agenda so that it might explore all possible means to hasten the day when the violence stops.

We strongly support Mr. Egeland's emphasis on the rights and needs of internally displaced persons (IDPs). Their deliberate dispossession is among the most visible and devastating symptoms of conflict today. We reaffirm the responsibility of Governments in the first instance to ensure that the needs of IDPs on their own territory are met, including by facilitating safe and unhindered access for humanitarian agencies. Certainly the Guiding Principles on Internal Displacement provide a useful framework, and the international community has a key supporting role to play.

This year has been a difficult one for the dedicated United Nations staff and humanitarian personnel who work tirelessly in the field to help those in greatest need. The kidnappings of United Nations and non-governmental organization staff in Afghanistan are, regrettably, only the most recent reminder that those who seek to protect civilians urgently need our support if they are to continue their work. All parties to conflict must respect the principles of humanity, impartiality, neutrality and independence that govern the efforts of those agencies. It is imperative that they also be allowed to advocate on behalf of conflict-affected populations and not fear reprisals from Governments for raising concerns about violations of international law.

In addition to condemning attacks against those who perpetrate violence against aid staff, the Council can take concrete action by encouraging the General Assembly to rapidly reach a conclusion on the expansion of the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel and to remove the exceptional risk requirement so that it can cover all United Nations and associated staff whose work, by its very nature, renders them vulnerable to attack. Every day that we spend deliberating on the scope of a new legal instrument puts them at further risk.

(*spoke in French*)

We welcome the progress report provided by Under-Secretary-General Egeland on the improvement of monitoring and reporting with respect to the protection of civilians. This work must continue. In addition, we urge him to continue to use his office to bring civilian protection concerns to the Council's and our collective attention. This includes situations of which the Council may not yet formally be seized.

In the end, our message is simple: we must continue to move forward robustly on the initiative regarding the protection of civilians in armed conflict. We call on the Security Council to commit itself to continuing to attach high priority to the protection of civilians and to expanding its consideration of the subject to issues that had not been identified five years ago. The issues we outlined in December 2004 and today must continue to be addressed as part of the Council's deliberations on the development of multidimensional integrated mission mandates and should be reflected in a new Security Council resolution on the protection of civilians. We look forward to discussion of these elements in coming months.

The President (*spoke in French*): I now call on the representative of Nigeria.

Mr. Adekanye (Nigeria): My delegation wishes to express its appreciation to you, Mr. President, for convening this important debate on the protection of civilians in armed conflict. We welcome the opportunity it provides Member States to exchange views on the subject and to reflect on the continuing challenges facing the international community with

regard to the protection of civilians in armed conflict. We also thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his important statement.

It is of concern to my delegation that, in spite of internationally acknowledged mechanisms and legal instruments that guarantee the safety and protection of non-combatants and ex-combatants in conflict situations, the global culture of protection of civilians called for by Secretary-General Kofi Annan in 2002 regrettably remains a distant prospect. Civilians continue to pay a heavy toll in the various conflict situations around the world. All too often, civilians are subjected to various human rights abuses, including denial of access to medical and humanitarian aid. In that regard, my delegation is particularly concerned that many of the conflicts in the world today occur in Africa and take place within States.

That unacceptable situation has adversely affected the social, cultural and economic lives of millions of people and has highlighted the challenge of protecting human rights and providing basic humanitarian assistance, especially to the most vulnerable members of society. These include the elderly, women, children, people with disabilities and those afflicted with serious diseases. The situation is even more critical and the challenges even more daunting for civilians in countries in conflict where the population must confront the HIV/AIDS pandemic, as is the case in some African countries.

Nigeria believes that the way forward is for States to adopt, ratify and/or codify in national laws the various conventions and protocols on the law of armed conflict and to ensure the implementation of the provisions of those instruments. Where required, national Governments should have access to international support and assistance, upon request, to strengthen their judicial and security mechanisms. That would enable them to effectively prosecute and punish perpetrators of crimes committed against civilians in times of conflict. We reaffirm the primary responsibility of national Governments to ensure the safety and protection of their civilians in times of peace or violent conflict.

However, the best way in which to protect civilians is to prevent conflicts in the first place. In that regard, my country has supported, and will continue to support, regional efforts to identify the root causes of the many conflict situations that have erupted on the African continent. Within the West African subregion, for example, significant strides have been made by States members of the Economic Community of West African States in their determination to bring about the peaceful resolution of conflicts within and among the countries concerned. Nigeria has closely coordinated initiatives with other States members of the Community in that process. Similarly, the African Union, through its Peace and Security Council, has continued to beam its searchlight on potential flashpoints and ongoing conflicts, and it has proposed solutions that would address all facets of such conflicts and ensure the safety and security of civilians.

The international community must continue to support the efforts of national Governments and regional organizations as they seek to strengthen the mechanisms and instruments aimed at protecting civilians in situations of armed conflict. Such cooperation and collaboration should include providing sustained humanitarian assistance and support to victims and internally displaced persons.

The President (*spoke in French*): I call now on the representative of Norway.

Mr. Løvald (Norway): The challenges posed by today's conflicts have become increasingly complex. The fact that those challenges are comprehensive, however, must not stop us from acting. On the contrary, we must make sure that our response is equally comprehensive by mainstreaming the many issues covered by the protection-of-civilians umbrella into all efforts undertaken by the Security Council to alleviate this situation and by ensuring effective implementation on the ground.

United Nations peacekeeping operations must be given strong mandates and enough resources to protect civilians. The Security Council must systematically take account of the current resolutions on the protection of civilians in armed conflict when it reviews existing mandates and adopts new resolutions. That applies especially to resolution 1325 (2000) on women, peace and security and to resolution 1539 (2004) on children and armed conflict.

Furthermore, we would be eager to see the adoption by the Security Council of a new resolution on children and armed conflict. A resolution that establishes a robust mechanism for monitoring and reporting on serious international crimes against

children in armed conflicts and that contains provisions for the effective implementation of already-existing resolutions on the protection of children is sorely needed.

While mandates are essential, the ability to carry them out is equally important. Although much progress has been made in recent years, we still have a long way to go in ensuring the effectiveness of integrated missions.

The current reform process is an opportunity to create a more effective United Nations. We must seize this opportunity. An integrated approach to the protection of civilians in armed conflict must be implemented in close conjunction with the mainstreaming of human rights protection into the whole United Nations system. The protection and promotion of human rights is one of the three core functions of the United Nations. Norway fully supports the efforts to increase the focus on human rights throughout the United Nations system, and we support the idea of upgrading the Commission in Human Rights to a standing Human Rights Council. That would reflect at the institutional level the central position of human rights in the United Nations system, alongside security and development. The Human Rights Council should have a strong mandate to address urgent human rights situations, as well as the necessary resources so that it can respond to imminent human right violations.

The importance of placing human rights at the core of policies aimed at addressing conflict was underlined most recently in the plan of action adopted by the Office of the United Nations High Commissioner for Human Rights. Norway supports the High Commissioner in her efforts to strengthen the operational response capacity of her Office in conflict-prone zones.

We welcome the Secretary-General's proposals for a more consistent approach to peacebuilding and to establishing an interlocking system of peacekeeping capacities between the United Nations and regional organizations. The setting up of a new Peacebuilding Commission could prove crucial in extending to post-conflict recovery the period of political attention at the international level. Time and again, we are reminded of the risk of post-conflict situations relapsing into conflict situations. That means it is vital to establish systems that will facilitate long-term commitment and continuous vigilance by the international community, even after peace agreements have been concluded.

Adopting and applying the regulatory framework for the protection of civilians is primarily the responsibility of States. The international community cannot, however, stand back and leave it to the State in question to close the accountability gap when gross atrocities are perpetrated.

Norway endorses the Secretary-General's appeal to embrace the principle of the "responsibility to protect" as a norm for collective action in cases of genocide, ethnic cleansing and crimes against humanity. In situations of mass atrocity, and when all other means are exhausted, the Security Council has the responsibility to act without hesitation, with authority, and in an effective way. We agree with the recommendation that the Security Council should adopt a resolution setting out principles for the use of force that are built on international law and expressing its intention to be guided by them.

In conclusion, let me express our support for more systematic reporting to the Security Council to facilitate its deliberations, as was suggested by Mr. Egeland.

The President (*spoke in French*): The next speaker inscribed on my list is the representative of Côte d'Ivoire, to whom I give the floor.

Mr. Djangoné-Bi (Côte d'Ivoire) (*spoke in French*): As this is my first statement to the Council this month, I would like to take this opportunity to congratulate you, Sir, on your assumption of the presidency of the Council for June, and to thank you for having convened this meeting to consider once again the burning issue of the protection of civilians in armed conflict.

We are grateful to the Secretary-General for his tireless efforts over the past six years to keep the attention of Council members and the peoples of the world focused on this issue. The tragedy of armed conflict today, the increase in the number of such conflicts and the growing number of areas affected by conflict all make this a priority concern of the Council.

I would also like to thank the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his very clear introductory statement and for all the work that his Office is doing.

Unwilling victims and pawns of armed conflict, civilians, all civilians — refugees and the repatriated, children, boys and girls, women and men, young and not so young — are entitled to our protection: the protection of our States, our peoples and the subregional, regional and international organizations. In other words, we — States and peoples — have an imperative and absolute duty, in solidarity and without regard to our national interests, to protect civilians during the conflicts that are ravaging our countries, our regions, our world. That is an obligation that is primarily humanitarian in nature but that also involves prevention. Action must be taken promptly when the failure of preventive measures has been demonstrated by the outbreak of conflict and its accompanying woes for civilians.

This duty to protect, however, can be carried out only with absolute and scrupulous respect for the Charter and relevant international rules: international humanitarian law, human rights law, the rights of peoples, international agreements on cooperation and defence among States and so forth.

In December 2004 (see S/PV.5100), the Under-Secretary-General for Humanitarian Affairs presented to the Council the outline of a strengthened mechanism for the monitoring and follow-up of reports, as recommended by the Secretary-General. In doing so, he highlighted some continuing gaps in the implementation of the 10-point plan of action that formed the basis of resolutions 1265 (1999) and 1296 (2000). At that time, he invited members of the Council to consider two major issues: regional approaches to protection and the relationship between protection and peace processes.

Pending the likely adoption of the proposals made by the Secretary-General in his report contained in document A/59/2005 relating to strengthening the United Nations system in the area of the protection of civilians in armed conflict, those gaps will continue to exist. Those two issues — the regional approach to protection and the relationship between protection and peace processes — have not yet been studied or acted upon, and no corrective action has been taken, although they were considered by the Council during the first half of this year.

The case of Côte d'Ivoire is a sad illustration of the continuing weakness of the international system to protect civilians in armed conflict. The recent carnage in Duékoué, in western Côte d'Ivoire, demonstrates how urgent it is that the Secretary-General's proposals to be considered and acted upon.

The Government of Côte d'Ivoire, which is acting on its duty to protect, has undertaken humanitarian action and has sought to provide greater safety, to the extent that its resources allow. It has also carried out investigations to identify the suspected perpetrators of the events so as to bring them before the competent courts.

The Government of Côte d'Ivoire is grateful to the United Nations Operation in Côte d'Ivoire for having increased the number of troops in the affected area, and it hopes that, with the new national arrangements that the President of the Republic announced in his address to the nation on Thursday, 17 June, there will be greater complementarity and cooperation commensurate with the challenges.

Here, I would like to pay a well-deserved tribute to the Special Representative of the Secretary-General, Mr. Pierre Schori, whose professionalism and fairness in seeking to achieve the speedy return of peace and stability to the country is appreciated by all Ivorians.

For victims living in the hell of conflict, and for all the people of Côte d'Ivoire, the best way to protect human lives, in particular civilians, involves the immediate implementation of the disarmament, demobilization and reintegration process and the holding of elections in accordance with the timetable set out in the Constitution. In this context, in accordance with the terms of the various agreements concluded, the disarmament, demobilization and reintegration process must absolutely begin on 27 June 2005. The Council's position on this basic issue will provide decisive assistance for the mediation of the African Union, which is currently under way, and will be a real contribution to a lasting settlement to the conflict. Those who prosper in time of war are clearly not interested the return of peace. The international community must not let the country become hostage to such people.

The protection of civilians in armed conflict remains the primary responsibility of our States — we all agree about that. However, as the Secretary-General notes in his report, "In larger freedom", "In an era of global interdependence, the glue of common interest, if properly perceived, should bind all States together in

this cause, as should the impulses of our common humanity" (*A/59/2005, para. 2*).

It is such solidarity — generous, caring and effective — that my delegation advocates so that prompt and timely protection can be provided for civilians in armed conflict.

The President (*spoke in French*): I give the floor to Mr. Egeland to make some final comments.

Mr. Egeland: I would like to make one or two concluding remarks. First, I would like to express how much we in the humanitarian community have appreciated having had the opportunity once again to convey to the Security Council our deep and profound worries about the trend line, which is negative for civilians in so many conflict situations. But I also think that the debate today proves that there is hope. There is increased attention to the situation of civilians in armed conflict. There is increased action in many places. We have more and better peacekeeping than before. We have more and better humanitarian action than before. And I certainly think that we have more and better human rights action than before.

But the counter-forces also seem to be stronger. At least we know much more now than we have known ever before about the extent, nature and gravity of violations against civilians, in particular violations against the most vulnerable: women, children, the displaced, the elderly, the non-combatants.

Many members of the Security Council, and other Member States, have underlined that we need to go from rhetoric to action. I very much agree with that. There is very widespread agreement now about what should be done and on what the goals are for our actions. We now have to discuss what we should do concretely in the field.

In my December 2004 introduction of the report of the Secretary-General (S/2004/431) (see S/PV.5100) and in the report itself, I hope we were able to provide a clear picture of the trends in each of the 10 areas of the 10-point programme we had presented in December 2003 for the protection of civilians in armed conflict (see S/PV.4877). There are areas where we have made progress; there are areas where we are at a standstill; and there are areas where we are, unfortunately, regressing. Our aim should be to make progress in each of the 10 areas.

I think we can also sharpen our tools by defining trend lines. I believe it was the representative of Denmark, among others, who mentioned the importance of looking at our tools and at how they can be made more effective.

I believe it was also the representative of Denmark who mentioned the importance of including women in decision-making. Here, I would like to refer to resolution 1325 (2000), on women, peace and security. The Division for the Advancement of Women is reporting specifically on that important area.

For me, as Emergency Relief Coordinator, a particularly important opportunity has arisen this year in connection with the Secretary-General's reform proposals and the upcoming summit, namely, making humanitarian and protection action more predictable. We are able to deploy large missions, large humanitarian operations and a large humanitarian presence in some areas of conflict, to the benefit of some populations caught in the crossfire and in endless vicious circles of violence. Elsewhere, however, we take very little action. There should be predictability of action according to needs, and not according to political or media attention or resource availability — as when we see some regions of the world getting more attention and resources than others that seem to have been orphaned by the international community.

I would like to remind the Council that the Secretary-General has proposed both more predictable funding, through a humanitarian fund that could in particular focus on neglected and forgotten emergencies, as well as on jump-starting operations in areas similar to the crisis we saw in Darfur nearly two years ago, where all of us, donors and humanitarian agencies alike, were slow to act.

The second area where we will, it is hoped, see more predictable action is in the area of response. Humanitarian agencies — United Nations agencies, non-governmental organizations and our colleagues from the Red Cross and Red Crescent — are now working together to look into how to fill the gaps in our humanitarian-response capacity. We hope to come up with a series of proposals this autumn to fill those gaps.

I hope all of that will lead to us being able to meet again in December and next June to have a more positive picture of the situation of civilians in conflict than the one that I was, unfortunately, obliged to

present today. There is hope, but there is also a great deal of hard work left to do.

I thank the President and all the other members of the Security Council for their continued interest.

The President (*spoke in French*): I thank Mr. Egeland for his comments.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

> "The Security Council, recalling its resolutions 1265 (1999) and 1296 (2000) as well as statements made by its Presidents on the protection of civilians in armed conflict, reiterates its commitment to address the widespread impact of armed conflict on civilian populations.
>
> "The Council reaffirms its strong condemnation of the deliberate targeting of civilians or other protected persons in situations of armed conflict, and calls upon all parties to put an end to such practices. It expresses in particular its deep concerns at the use of sexual violence as a weapon of war. It calls upon all States to put an end to impunity also in this regard.
>
> "The Council is gravely concerned about limited progress on the ground to ensure the effective protection of civilians in situations of armed conflict. It stresses in particular the urgent need for providing better physical protection for displaced populations as well as for other vulnerable groups, in particular women and children. Efforts should be focused in areas where these populations and groups are most at risk. At the same time, it considers that contributing to the establishment of a secure environment for all vulnerable populations should be a key objective of peacekeeping operations.
>
> "The Council invites, accordingly, the Secretary-General to include in his next report recommendations on ways to better address the persisting and emerging protection challenges in the evolving peacekeeping environment. Upon receipt of this report, it expresses its intention to take further action to strengthen and enhance the protection of civilians in armed conflict including, if necessary, a possible resolution in this regard."

That statement will be issued as a document of the Security Council under the symbol S/PRST/2005/25.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.40 p.m.